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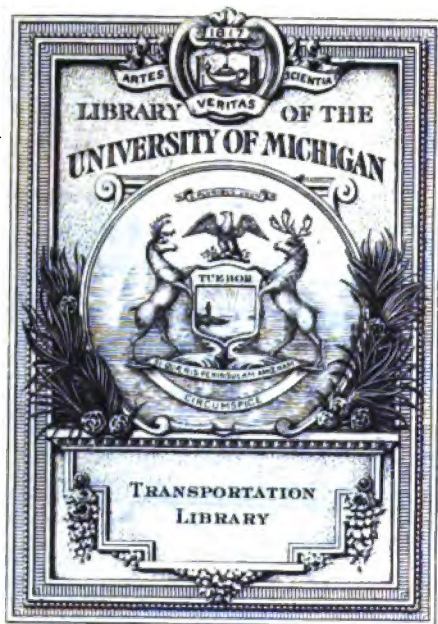
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**JOURNAL**

OF

**THE SENATE**

OF THE

**COMMONWEALTH OF PENNSYLVANIA,**

**WHICH COMMENCED AT HARRISBURG,**

**THE**

**THIRD DAY OF DECEMBER,**

**IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED**

**AND TWENTY-TWO,**

**AND OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA,**

**THE FORTY-SEVENTH.**

**VOL. XXXVII.**

**Harrisburg:**

**PRINTED BY MOWRY & CAMERON.**

**1822-23.**

General Assembly, 1874

*Symmachus*  
*10-20-41*  
*Transf.*

**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**COMMONWEALTH OF PENNSYLVANIA.**

---

**Tuesday, December 3, 1822.**

This day, agreeably to the provisions of the constitution, the Senate convened : present twenty-seven members.

On motion,

The returns of the election of members to supply the places of those whose term of service had expired, were read ; by which it appeared that the following named persons were duly elected, to wit :

For the district composed of the  
counties of Northumberland and  
Union, } **ANDREW ALBRIGHT.**

For the district composed of the  
counties of Susquehanna, Bradford  
and Tioga, } **JONAH BREWSTER.**

For the district composed of the  
counties of Washington and Greene, } **JOSHUA DICKERSON.**

For the district composed of the  
county of Philadelphia, } **DANIEL GROVES.**

For the district composed of the  
county of Lancaster, } **MATTHEW HENDERSON.**

For the district composed of the  
counties of Chester and Delaware, } **JAMES KELTON.**

For the district composed of the  
counties of Venango, Warren, Arm-  
strong, Indiana, Jefferson and Cam-  
bria, } **ROBERT ORR, jr.**

For the district composed of the  
city of Philadelphia, } **JAMES ROBERTSON.**



For the district composed of the } J. ANDREW SHULZE.  
counties of Dauphin and Lebanon, }

For the district composed of the } JOHN ST. CLAIR.  
county of Fayette, }

Mr. Marks (late speaker) informed the Senate, that during the recess of the Legislature, he had received a letter from Michael Wallace, resigning his seat as one of the representatives in the Senate, from the district composed of the counties of Huntingdon and Mifflin; and that he had thereupon issued his writs of election, directing the sheriffs of the several counties composing the said district, to hold elections to supply said vacancy, and that in pursuance thereof a return had been made to the office of the Secretary of the Commonwealth.

Whereupon, on motion, said return was read: by which it appeared that William R. Smith was duly elected a Senator, in the place of Michael Wallace, resigned.

On motion,

The Senate proceeded to the election of Speaker, (the clerks being first appointed tellers;) and upon ascertaining the votes, it appeared that William Marks was unanimously elected.

The usual oaths of office were then administered to the speaker, by Mr. Markley.

The requisite oaths or affirmations were administered by the Speaker, to the following new members, to wit:

JONAH BREWSTER,	ROBERT ORR, junior,
JOSHUA DICKERSON,	JAMES ROBERTSON,
DANIEL GROVES,	J. ANDREW SHULZE,
MATTHEW HENDERSON,	JOHN ST. CLAIR,
JAMES KELTON,	WILLIAM R. SMITH.

On motion of Mr. R. Smith and Mr. M'Meens,

*Ordered,* That the election of clerks, sergeant-at-arms, and door-keeper, be the order of the day, for Thursday next.

A motion was made, by Mr. M'Meens and Mr. Markley, and read as follows, to wit:

*Resolved,* That each member, the clerk, assistant clerk, sergeant-at-arms and door-keeper of the Senate be furnished during the present session, with two daily newspapers, or so many weekly newspapers as shall not exceed the price of two daily newspapers.

On motion,

Said resolution was again read, considered and adopted.

A motion was made by Mr. Markley and Mr. M'Meens, and read as follows, to wit:

*Resolved,* That the following standing committees be appointed, to wit:

1	A committee on	Accounts,
2.	on	Claims,
3	on the	Militia System,
4	on the	Judiciary do.

- 5 A committee on, Roads bridges and Inland navigation,  
 6 on Banks,  
 7 on Education,  
 8 on Agriculture and Manufactures.  
 9 To compare bills and present them to the Governor for his approbation,  
 10 on Election districts,  
 11 A committee on the part of the Senate, for the purpose expressed in the act entitled "An act to provide for the better preservation and increase of the library of this Commonwealth."

Ordered to lie on the table.

On motion of Mr. Cadwallader and Mr. Allshouse.

*Ordered,* That when the Senate adjourns, it will adjourn until 11 o'clock, to-morrow morning; and that that be the stated hour of meeting on the morning of each day, until otherwise ordered.

On motion of Mr. Markley and Mr. Cadwallader,

*Ordered,* That the rules of the last Senate, be adopted by the present, until otherwise ordered.

On motion,

Mr. Cadwallader and Mr. M'Meens, were appointed a committee to inform the House of Representatives, that the Senate is duly organized and ready to proceed to business.

And after some time, the said committee reported that they had performed that service.

Mr. Porter and Mr. Kennedy, a committee from the House of Representatives, being introduced, informed the Senate, that that House is duly organized and ready to proceed to business.

On motion,

*Ordered,* That Mr. Markley and Mr. Robertson, be a committee, in conjunction with a committee from the House of Representatives, if that House should appoint such a committee, to inform the Governor that the general assembly is duly organized, and ready to receive his communications; and that the Clerk inform the House of Representatives accordingly.

Adjourned until 11 o'clock, to-morrow morning.

Wednesday, December 4, 1822.

The Clerk of the House of Representatives being introduced, presented an extract from the journal of that house, which was read as follows, to wit:

*"In the House of Representatives, Dec. 4, 1822.*

On motion,

*Ordered*, That Messrs. Cassat and Gilmore be a committee, in conjunction with a similar committee already appointed by the Senate, to inform the Governor, that the General Assembly is organized, and ready to receive any communications he may be pleased to make."

*Ordered* to lie on the table.

Mr. Groves presented a petition from sundry stockholders of the Bank of the Northern Liberties, in the county of Philadelphia, praying that its charter may be extended for a further term of years.

And said petition was read, and

Laid on the table.

Mr. Eyster presented a petition from Thomas Seibert, praying to be appointed door-keeper to the Senate.

Mr. Eyster also presented a petition from Thomas C. Reed, praying to be appointed door-keeper to the Senate.

And said petitions were severally read, and laid on the table.

Mr. Shulze presented a petition from William Shannon, praying to be re-appointed sergeant-at-arms to the Senate.

Mr. Shulze also presented a petition from Robert Dickey, praying to be re-appointed door-keeper to the Senate.

Mr. Shulze also presented a petition from John M. Eberman, praying to be appointed door-keeper to the Senate.

And said petitions were severally read, and

Laid on the table.

Mr. Wurts presented a petition from the Farmers' and Mechanics' Bank, praying for an extension of their charter for a further period of twenty years.

And said petition was read, and

Laid on the table.

Mr. Robertson presented a petition from sundry stockholders of the Commercial Bank of Pennsylvania, praying for a renewal of their charter for a further term of years, after the period at which their present charter expires.

And said petition was read, and

Laid on the table.

Mr. Robertson also presented a memorial from John Bioren, of Philadelphia, proposing to print in pamphlet form, three thousand copies of the laws of the present and the two succeeding sessions of the Legislature, at twelve hundred and fifty dollars per session; the paper, printing and stitching to be included, and the execution of the work to correspond with the pamphlet laws of the session of 1813-14: or, in the way they have of late been printed, but on a good fair paper, at fifty dollars per sheet.

And said memorial was read, and

Laid on the table.

Mr. Shulze presented a petition from Andrew M. Bell, praying to be appointed door-keeper to the Senate.

And said petition was read, and

Laid on the table.

Mr. Wurts presented a petition from sundry inhabitants of the Northern Liberties, and of the city and county of Philadelphia, and counties adjacent, praying for an extension of the charter of the Bank of the Northern Liberties, for such time, and on such conditions as may appear expedient.

And said petition was read, and

Laid on the table.

Mr. Wurts also presented a petition from John Bernard and Maria his wife, praying that the title of the Commonwealth to a certain escheated estate, may be vested in the said Maria.

And said petition was read, and referred to, Mr. Wurts, Mr. R. Smith and Mr. Shulze.

The Speaker laid before the Senate a letter from John De Pui, praying to be appointed chief clerk to the Senate.

And the same was read, and

Laid on the table.

The Speaker also laid before the Senate a letter from John E. Scott, praying to be appointed door-keeper to the Senate.

And the same was read, and.

Laid on the table.

The Speaker also laid before the Senate, a letter from John Bioren, relative to the completion of the seventh volume of the laws of Pennsylvania, stating that 700 pages are already printed, and that it will probably extend to about 850 pages when finished; and praying an advance of \$600 on the contract for printing the said seventh volume.

And said letter was read, and referred to Mr. Robertson, Mr. Dickerson and Mr. R. Smith.

Mr. Markley, from the committee appointed yesterday, to wait upon the Governor, and inform him that the General Assembly is duly organized and ready to proceed to business, reported that they have performed that service; and that the Governor informed them that he would make his communication to both houses, by message, to-morrow at 11 o'clock.

Mr. Wurts read a bill in his place, and on leave given presented the same to the chair, entitled, "A further supplement to the act entitled "An act to raise and collect county rates and levies."

Which bill was read the first time.

A motion was made by Mr. Groves and Mr. St. Clair, and read as follows, to wit:

*Resolved*, That the Clerk be and he is hereby authorised and required to receive the several accounts due the members of the Senate, for postage of letters received during the present session, and pay the same out of the contingent fund.

On motion,

Said resolution was again read, considered and adopted.

Adjourned until 11 o'clock, to-morrow morning.



**Thursday, December 5, 1822.**

Mr. Groves presented a petition from sundry inhabitants of the Northern Liberties, and of the city and county of Philadelphia, praying that the charter of the Bank of the Northern Liberties, may be extended for a further term of years.

And said petition was read, and

Laid on the table.

Mr. Wurts presented a petition similar in tenor, and of like import with the foregoing; which was read, and

Laid on the table.

Mr. W. R. Smith presented a petition from Richard B. M'Cabe, of the borough of Harrisburg, praying to be authorised by law to take copies of certain records in the office of the Secretary of the Commonwealth and the Secretary of the Land Office.

And said petition was read, and referred to Mr. W. R. Smith, Mr. Hill, Mr. R. Smith, Mr. Markley and Mr. Coleman.

Mr. W. R. Smith also presented a petition from sundry stockholders of the Lewistown and Huntingdon turnpike road company, praying that an act may be passed making provision for a legal adjustment of certain matters, in dispute between different portions of the stockholders of the said company.

And said petition was read, and

Laid on the table.

The Speaker laid before the Senate, a letter from Samuel Conrad, praying to be appointed chief clerk to the Senate.

And said letter was read, and

Laid on the table.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth and the surveyor General, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: The undersigned, appointed by an act of assembly, to contract with some suitable person for the publication of a map of Pennsylvania, have now the honor of stating to the Legislature, that by information from Mr. Melish, the person with whom the contract was made, the map was ready for publication on the 24th August last. Presuming that it would be important that a portion of the hundred copies, which by law he was to deliver to the Surveyor General, should be at the seat of government prior to the meeting of the Legislature, an order was directed to the publisher for ten copies, which order was answered by fourteen being sent, colored and finished, as follow:

## THE SENATE

- 1 map ordinary colouring, No. 17,
- 8 do. township lines coloured, 55, 58, 60, 63,
- 1 do. Indian purchases,
- 1 do. Roads and Canals,
- 1 do. Geological,
- 1 do. Bank paper in case,
- 1 do. Vellum paper portable.

These are now here, and until otherwise disposed of, have been distributed as follows, viz. one with the township lines coloured to each of the public offices, one to the library, and one to the hall of each branch of the Legislature; one exhibiting the Indian purchases, to the chamber of the House of Representatives, and one with the roads and canals, marked by colouring, to the Senate chamber: the remaining copies are in the office of the surveyor general.

The balance of the hundred copies directed to be delivered, have not yet been sent forward; but from Mr. Melish's statement there is no doubt of their being ready for delivery. He has assured us of his intention of being shortly here in person, to communicate more fully his views to the legislature, respecting the price and sale of the maps.

We have the honor to be,  
Gentlemen,

Very respectfully,

Your obedient servants

ANDREW GREGG,

*Secretary of the Commonwealth.*

SAMUEL COCHRAN,

*Surveyor General.*

December 3, 1822,

Ordered to lie on the table.

The Speaker laid before the Senate a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: To enable me the better to comply with the directions of a resolution passed by the Legislature on the 2d day of April last, "authorising and requiring the Secretary of the Commonwealth, to employ some competent person to make, construct, put up and affix to the State Capitol, as many conductors or lightning rods, as would be necessary to preserve the building from being injured or destroyed by lightning." I addressed a letter to Mr. Lukens of Philadelphia, then in this place, and a similar letter to Mr. Patterson of Philadelphia, both distinguished for their skill in the science of electricity, requesting their opinion as to the number of conductors they would consider competent to meet the object of the resolution, what would be a proper thickness for conductors of such a height, what a necessary depth to extend them into the ground below the surface, what a proper material to sur-

round them with at their termination under the ground, and what the most approved metal with which to have them pointed. On receiving from these gentlemen the information thus applied for, I contracted with Mr. Bailey of this place to construct and put up one conductor at each end of the Capitol, and that has been done agreeably to the directions received, each rod having a point of platina, that being the metal which experience has proved best to answer the purpose, and which is now generally in use wherever it can be obtained. The whole expense of materials and putting up these two rods amounted to \$66.

Messrs. Patterson and Lukens both gave it as their opinion, that to a building of the dimensions of the Capitol there should be three conductors, one at each end and one in the centre; the one in the centre being in their view rendered more important by the elevation of the dome above the rest of the building. On this being submitted to Mr. Hills, the architect, he objected to one being affixed to the dome on account of the injury which he felt assured would thereby be done to the roof and the extreme difficulty, if not impracticably of having it so affixed, as to afford any good prospect of its standing. From his representations, and no person appearing willing to undertake it under such discouraging circumstances, I concluded to suspend any farther proceedings until the meeting of the Legislature and submit the subject to their consideration.

I have the honor to be,

Gentlemen,

With great respect,

Your obedient servant,

ANDREW GREGG, *Secretary.*

*December 5, 1822.*

The Speaker laid before the Senate a letter from the Secretary of the Commonwealth, enclosing the proposals of sundry printers for performing the work of the Senate during the present session; and the same were read as follows, to wit:

*For Printing the Journal of the Senate in the English language.*

Mowry & Cameron ask, for 1200 copies, per sheet,	\$23 00
Extra numbers in proportion—incidental work at the usual prices.	
Greer & Minshall ask, for 1375 copies, per sheet,	18 00
Incidental work in the same proportion.	
Christian Gleim and Co. ask, for 1375 copies, per sheet,	20 00
Incidental work in the same proportion.	

*For printing the Journal in the German language.*

George Hanke asks, per sheet, (rule and figure work included.)	\$12 00
Benjamin Grimler asks, for 400 copies, per sheet,	10 00
Henry Miller & Co. ask, per sheet, (figure work at the common prices,)	12 00

Jacob Stoever, (including figure work,) per sheet,	12 00
Henry C. Marthens asks, for the usual number of copies, per sheet,	10 00
William White asks, for the usual number of copies per sheet,	11 00
Figure work included—incidental work in proportion.	
H. W. Peterson asks, for the usual number of copies, per sheet, (including rule and figure work,)	15 00

*For Printing the Bills.*

Greer & Minshall ask, on good paper, per page,	30 75
John Wyeth asks, for each page, (extra work in the same proportion,)	1 00

*Sureties for the faithful performance of the work.*

By Mowry & Cameron.—Robert Harris and Peter Brua, Esqs.  
 Greer & Minshall —Benjamin Kurtz and John Kelker, Esqs.  
 C. Gleim & Co.—Obed Fahnestock and V. Hummel, Esqs.  
 George Hanke.—Joseph Fry, Jr. and John J. Krause, Esqs.  
 Benjamin Grimler.—Sufficient security.  
 Henry Miller and Co.—B. Grimler and Dr. T. Whiteside.  
 Jacob Stoever.—J. A. Shulze, A. Ritscher and G. Seltzer, Esqs.  
 Henry C. Marthens.—William Ramsey, Esq. and R. M'Coy.  
 William White.—John Shoch and George Boyer, Jr.  
 H. W. Peterson.—John H. Wise, Esq. and Tho: Craighead.  
 John Wyeth.—Obed Fahnestock and Peter Keller.

*On motion,*

Ordered, That the usual number of copies of the said proposals be printed for the use of the members.

Mr. Wurts, from the committee to whom was yesterday referred the petition of Jean Bernard and Marie his wife, reported a bill, entitled "An act releasing to Jean Bernard, and Marie his wife, late Marie Joseph, the right of this Commonwealth to a certain escheated estate."

Which bill was read the first time.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, together with the documents therein referred to, which were read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

FELLOW CITIZENS,

BY the revolution of another year, we have arrived at the constitutional period for the representatives of the people to assemble and deliberate on the great concerns of the state, and I derive the highest degree of satisfaction from the opportunity it affords, of congratulating you, and through you, our fellow citizens at large, on the prosperous condition of our beloved country, its growth in wealth, its increase in population, and all those numerous blessings with which a beneficent Providence continues to favor the land.



Although different portions of the country have been visited with sickness during the past season, and our crops have not equalled in every part of the state the expectations of the husbandman, owing principally to a long and excessive drought, yet our thanks are nevertheless due, to the Almighty disposer of events, in whose hands are the issues of life and death, that no disease of a pestilential character has been permitted to afflict this part of the Union, and that the harvests, if not abundant, have generally proved so far plentiful, as to yield a sufficiency for home consumption, and afford a surplus to supply the wants of others.

While the aspect of political affairs in the old world seems to threaten the interruption of peace in that quarter, we have reason to rejoice, that the amicable nature of our external relations with foreign governments, promises to the people of this country, a long continuance of that choicest of blessings, so necessary to the prosperity of nations, and the welfare and happiness of individuals. In the east of Europe, we behold with feelings of anxiety and sympathy, an oppressed people, unaided by any christian government, nobly contending for their liberties and religion, against the merciless tyranny of an infidel foe, the common enemy of christianity, literature and civilization. In the new world the picture is more cheering. Our brethren in South America, more successful than the unhappy Greeks, after a long and arduous struggle, have at length secured the right of self government, by throwing off the colonial yoke and establishing their independence. In every instance where the existing state of things justified the measure, it is pleasing to find, that their independence has been recognized by the United States. This act of justice as well as policy, while it expresses national confidence and individual feeling, tends to facilitate what nature seems to have designed, an intimate intercourse among the inhabitants of the same continent, and promises what we hope is not far distant, an important era in the history of nations, when the free governments established in the new world; will be a counterpoise and check to the "*legitimate despotisms*" of the old.

To the blessings of peace, with which Providence continues to favor our land, and to all the advantages in which we participate in our federal character, as a member of the Union, it is a source of gratification to have it in our power to add those also, which spring from local and other causes; among these we notice with pleasure, the general prosperity and growth in population and commerce of our metropolis, from which we derive so large a portion of our public revenue; the increase of our manufacturing establishments, and the more general use of home made fabrics in home consumption; the progressive industry and improvements in agriculture; the beneficial effects of economy in public expenditure, and of frugality and prudence in the management of private concerns; the diminution of distress arising from embarrassing speculations; and the gradual restoration of confidence

and credit. To aid in perpetuating the blessings with which we are thus so highly favoured, ought to be considered an honorable, as it is an important duty, particularly incumbent on those who are placed in stations of public trust.

During the recess, I have endeavoured to discharge the duties enjoined on the executive by the constitution, as well as those entrusted to him by special acts of the Legislature. Among those of the latter description, I consider it proper to mention, that agreeably to the act of the 2d of April last, I caused to be transmitted to Cornplanter, a chief of the Seneca nation of Indians, a copy of the act for his relief, and one to each of the commissioners named in the law.—That, in compliance with the direction of the act, supplementary to the act, erecting part of Cumberland county into a separate county to be called Perry, a copy of the act was sent to each of the commissioners, with a notice of the time and place fixed upon for their meeting. Copies of the communication to Cornplanter, and the reports of the commissioners, in both cases, will be found in the documents transmitted herewith. I have also considered it proper to submit to the Legislature, copies of a paper lodged in the office of the secretary of the commonwealth, purporting to be a remonstrance by a large portion of the inhabitants of Perry county, against the proceedings and report of the commissioners appointed in the act, to select a site for the seat of justice in that county.

In adverting to subjects which demand the attention of the Legislature, none appears to have a stronger claim on its early attention than an act of Congress, passed on the 4th of May, 1822, vesting the right of the United States in the state of Pennsylvania, to all fines that were assessed upon its delinquent citizens, for the non-performance of militia duty, during the late war with Great Britain. This act, in addition to the transfer of the fines, directs that all moneys in the hands of the marshals or their deputies, which may have been collected from these fines, shall be paid by them respectively to the treasurer of the state, after deducting the expense of assessing and collecting the same. It also vests the state with the power of recovering the out-standing fines, under such regulations, provisions and restrictions, as shall be prescribed by the Legislature. The fines assessed, as far as can be ascertained by the reports of the courts martial, some of which were made to this government, and others to the comptroller of the treasury of the United States, amounted originally to \$351,981 66; but from this sum is to be deducted \$118,040 46, which, by a report made to Congress at its last session, by a committee of that body, was stated to have been paid to the marshal and his deputies, and also \$38,822 24, which had then been remitted by the executive authority of the state, and which has been increased by subsequent remissions to the amount of \$5,581 93, leaving an actual balance of \$189,537 03, yet out-standing. Independent of the difficulties which may arise in carrying into effect the act of Congress relinquishing these fines, it

*"In the House of Representatives, Dec. 4, 1822.*

On motion,

*Ordered*, That Messrs. Cassat and Gilmore be a committee, in conjunction with a similar committee already appointed by the Senate, to inform the Governor, that the General Assembly is organized, and ready to receive any communications he may be pleased to make."

*Ordered* to lie on the table.

Mr. Groves presented a petition from sundry stockholders of the Bank of the Northern Liberties, in the county of Philadelphia, praying that its charter may be extended for a further term of years.

And said petition was read, and

Laid on the table.

Mr. Eyster presented a petition from Thomas Seibert, praying to be appointed door-keeper to the Senate.

Mr. Eyster also presented a petition from Thomas C. Reed, praying to be appointed door-keeper to the Senate.

And said petitions were severally read, and laid on the table.

Mr. Shulze presented a petition from William Shannon, praying to be re-appointed sergeant-at-arms to the Senate.

Mr. Shulze also presented a petition from Robert Diekey, praying to be re-appointed door-keeper to the Senate.

Mr. Shulze also presented a petition from John M. Eberman, praying to be appointed door-keeper to the Senate.

And said petitions were severally read, and

Laid on the table.

Mr. Wurts presented a petition from the Farmers' and Mechanics' Bank, praying for an extension of their charter for a further period of twenty years.

And said petition was read, and

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Mr. Robertson presented a petition from sundry stockholders of the Commercial Bank of Pennsylvania, praying for a renewal of their charter for a further term of years, after the period at which their present charter expires.

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Mr. Robertson also presented a memorial from John Bioren, of Philadelphia, proposing to print in pamphlet form, three thousand copies of the laws of the present and the two succeeding sessions of the Legislature, at twelve hundred and fifty dollars per session; the paper, printing and stitching to be included, and the execution of the work to correspond with the pamphlet laws of the session of 1813-14: or, in the way they have of late been printed, but on a good fair paper, at fifty dollars per sheet.

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Laid on the table.

Mr. Shulze presented a petition from Andrew M. Bell, praying to be appointed door-keeper to the Senate.

And said petition was read, and

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The Speaker laid before the Senate a letter from John De Pui, praying to be appointed chief clerk to the Senate.

And the same was read, and

Laid on the table.

The Speaker also laid before the Senate a letter from John E. Scott, praying to be appointed door-keeper to the Senate.

And the same was read, and

Laid on the table.

The Speaker also laid before the Senate, a letter from John Bioren, relative to the completion of the seventh volume of the laws of Pennsylvania, stating that 700 pages are already printed, and that it will probably extend to about 850 pages when finished; and praying an advance of \$600 on the contract for printing the said seventh volume.

And said letter was read, and referred to Mr. Robertson, Mr. Dickerson and Mr. R. Smith.

Mr. Markley, from the committee appointed yesterday, to wait upon the Governor, and inform him that the General Assembly is duly organized and ready to proceed to business, reported that they have performed that service; and that the Governor informed them that he would make his communication to both houses, by message, to-morrow at 11 o'clock.

Mr. Wurts read a bill in his place, and on leave given presented the same to the chair, entitled, "A further supplement to the act entitled "An act to raise and collect county rates and levies."

Which bill was read the first time.

A motion was made by Mr. Groves and Mr. St. Clair, and read as follows, to wit:

*Resolved*, That the Clerk be and he is hereby authorised and required to receive the several accounts due the members of the Senate, for postage of letters received during the present session, and pay the same out of the contingent fund.

On motion,

Said resolution was again read, considered and adopted.

Adjourned until 11 o'clock, to-morrow morning.

is now in the office of the secretary of the commonwealth, for the inspection of such as see proper to inquire into its construction, and the manner in which convicts are employed in its operation.

The records of our criminal courts furnish incontestible evidence that the number of crimes, within the few past years, has increased among the people of colour, in a greater proportion than the ordinary increase of their population, compared with others, would warrant us to expect. If this effect has been produced in any degree, by the introduction of persons into this state, who have been guilty of crimes and offences in other states, and have either fled to avoid the punishment of the law, or have received a pardon on condition of leaving the state in which the offence was committed, it behooves the Legislature to adopt such efficient measures to prevent a recurrence of the evil, or at least to correct it, as may be authorised by the constitution. The act of the 27th of March, 1789, which prohibits the importation of convicts into this commonwealth, seems to me to extend only to felon convicts, brought from places out of the United States, and not to embrace the case referred to.

While also it is the duty of the Legislature to protect this unfortunate class of the human family in the enjoyment of their rights, by prohibiting, under severe penalties, the crime of kidnapping, every lawful means should be adopted to prevent individuals from giving any just cause of offence to any of our sister states, or the citizens thereof, by affording harbor or protection to such as are not entitled to their freedom, have fled from their owners, and deserted that service which the existing laws recognize. If some general regulation by law could be adopted, in accordance with the constitution, by which the names of persons of this description, now resident in this state, or who may hereafter come into it, should be registered from time to time, in some public office in the cities and counties where they may respectively reside, with the particulars as to age, employment, trade or calling, place of nativity, and place from which they last removed, it might have some effect in leading to the detection of actual fugitives, and be a means of preventing those who are entitled to their freedom, from being disturbed in the peaceable enjoyment of their rights.

Agreeably to the report of the auditor general, made to the Legislature in January last, there had been expended, during the financial year ending the 30th November, 1821, \$577,259 29, in public internal improvements; and from an abstract furnished by that officer, and accompanying this communication, of the receipts and expenditures of the present year, it appears that a farther sum of \$173,851 18 hath been applied to the same objects, exclusive of payments made to the two new penitentiaries.

By the enterprize of individuals, the greatest part of our internal public improvements for which stock was authorised to be subscribed by the state, has been undertaken; and judging of future progress, from what has been already done, I am induced to be-

lieve, that but a few years more will pass away before the whole will be finished. Two thousand four hundred and twenty-six miles of turnpike, or artificial road, have been authorised by different acts of assembly, and one thousand nine hundred and forty miles are now reported to be completed, extending, in every direction, thro' the state; most of them pointing either immediately to Philadelphia, or to our principal rivers, the grand thoroughfare through which our agricultural productions reach their market. Such an extent of road, of this description, completed within a period of a few years, is a proud monument of the wise and liberal policy of the state, in the application of its resources to aid in the construction of improvements, so well calculated to promote the convenience of the people, by facilitating mutual intercourse, shortening distance, reducing the expense of transportation, increasing the value of lands, and enabling many who were hitherto destitute of the opportunity, now to reach a market with the productions of their industry. In this respect I am led particularly to notice a section of the Centre turnpike, extending from Bellefonte through Phillipsburg to Franklin, and thence to Erie. This road is represented by all who have travelled it, to be finished in a superior style; and, in addition to the advantages it affords to individuals, may be considered an object of much state importance, equally interesting to our eastern and western citizens; as it opens a communication between the lake country and the navigable waters of the Susquehanna.

The experience of all countries that have turned their attention to the subject, proves the superior advantages of communication by water, wherever it can be obtained. On this principle the Union Canal was originally commenced; and, although for various causes it was permitted to languish for several years, it is now progressing with as much expedition as is consistent with the nature and magnitude of such an undertaking. A report of the managers will be submitted to the legislature, exhibiting a full view of the progress already made in its construction, and of their prospect of its final completion. The connection of the Susquehanna with the Delaware, by a canal from the Chesapeake Bay to the Delaware river, is an object of such great state, as well as national importance, and so interesting to a large portion of our citizens, as specially to recommend itself to the attention of the Legislature. The judicious expenditure of the money lately appropriated for the improvement of creeks and rivers, and the facility and security thereby afforded to navigation, furnish strong inducements for persevering in the system, until the remaining difficulties are removed, as far as the means of the state, without recourse to new or additional taxes, will warrant an application of the means necessary for the purpose. It is however, to be regretted, that, notwithstanding the appropriations of public money by the state to effect a purpose so necessary for the safety of the navigation, various obstructions in our rivers are occasioned by the erection of fish dams, in defiance of all the pains and penalties of the laws heretofore enacted. These artificial obstructions, from their increasing number, and the extent of impe-

diments produced by them, particularly in the Susquehanna and Juniata and their branches, create vexations and dangerous obstacles to our enterprising watermen, and have become so serious a grievance, as in my judgment, to require legislative interposition.

The stock owned by the state, arising from subscription to different canal, bridge, and turnpike road companies, authorised by different acts of assembly, since the year 1806, and now incorporated, amounts to \$2,334,107. So large an investment of public money in property of this kind, calls for a strict examination into the accounts of those who manage the concerns of their respective companies, and requires the constant and vigilant attention of the Legislature to protect the interest of the commonwealth. A provision of this kind is rendered more important by the consideration, that some of these roads are said to be made by the money appropriated by the state, with but little assistance from advances of individual stockholders. As a further security for the state, I would respectfully submit the propriety of a provision, requiring, that all who are appointed viewers of roads and bridges should make their report on oath or affirmation; and, that the president and managers of the respective companies should annually lay before the Legislature, immediately after the commencement of its session, an abstract of their accounts verified in the same manner; and that their account of dividends should also be exhibited yearly for settlement, by the accountant officers of the treasury.

As yet but little revenue has been derived from these investments; but when the improvements are completed, and the companies have discharged the debts contracted in making them, they may be considered as affording the prospect of an important aid to the other resources of the state. The regular increase of tolls on such as have been finished, is a practical evidence of their utility, and warrants an expectation of their future productiveness.

The revenue of the commonwealth, is generally in a prosperous condition, and the receipts into the treasury from the land office department, have exceeded the most sanguine calculations. From the statement of the auditor general already referred to, it appears that the aggregate receipts at the treasury during the present year, exceeds the estimated amount \$45,865 61, while the ordinary and contingent expenses of the government during the same period, have been less than the estimate, leaving in the treasury on the first of this month a balance of \$334,038 84.

To enable me to judge whether the situation of the treasury would justify to any extent, the exercise of the power vested in the governor by the 5th section of the act of the 2d of April, 1827, authorising him to procure on loan a million of dollars, I addressed letters to the officers of the treasury department, requiring such information as their means might enable them to furnish. From their representation of the money on hand, and the amount of receipts expected in the course of the year, and the demands to which the treasury was subject, on account of appropriations remaining unpaid, I have not considered myself authorised to exercise the power during the recess of the Legislature. From the

correspondence of these officers it also appears, that they have not succeeded in obtaining the loan of \$400,000, authorised by the act, of 1822, for the purpose of discharging the six per cent. loans, contracted under laws passed prior to the session of 1820--21; not being able to procure the money on the terms prescribed in the law.

From the annual report of the auditor general, which that officer is directed by law to lay before the Legislature, on the fourth Monday of December, and such other means of information as may be in their power, the Legislature, whose peculiar province it is to determine, will be able to form a judgment, whether it will be necessary or expedient to continue all the existing taxes as they now stand. Should it be their opinion that any of them can be dispensed with, there is perhaps none, the repeal of which would afford greater satisfaction to a portion of the citizens in different sections of the state, especially those who are interested in the payment of the tax, than the act laying a duty on the retailers of foreign merchandize. But in case they should not consider it advisable or expedient to repeal this act, under the present circumstances, I would respectfully suggest the propriety of so modifying or altering it, as to make its operation less exceptionable, particularly in the part which directs a criminal proceeding against the delinquent. When any law, the object of which is the imposition of a tax or duty, is obnoxious to a majority of our fellow citizens in any portion or district of country, or even to a considerable number of them, it will often be found difficult to carry it into effect, where its execution depends on the act or opinion of a grand jury of the county in which the transgressor resides. The law will thus be defeated by the refusal or unwillingness of that body to do their duty; delinquents will but too frequently escape its penalties, or evade its provisions altogether; while the revenue will remain uncollected, or at least be materially affected in its amount.

Among all the rights and privileges dear to freemen, none is held in higher estimation than the elective franchise, or right of voting for agents, who are to represent their interest in the management of our public affairs. Happily for the people of Pennsylvania, their constitution has been framed with an especial view of securing to them this important privilege, and if a qualified citizen is at any time deprived of this right, the fault is not in the constitution, but arises from some defect in the existing laws, or some erroneous practice under them. The want of uniformity in the decisions of election officers respecting the admission of votes in different counties, in different districts of the same county, and sometimes in the same district at different times when the officers conducting the election happen to be different, cannot but produce inconvenience and dissatisfaction, and lead to confusion and contests, which for the peace and happiness of society, should always be guarded against with peculiar care. In some cases I understand the citizen has been refused his vote, because his name did not appear in the alphabetical list made out by the commissioners of the county and furnished the officers of the election, although he had been duly assessed, and regularly paid his



tax. Other instances have occurred where the party has been denied the right of voting by reason of the neglect or omission of the officer to assess him at the appointed time; while, on the other hand, the election officers of other districts, have received the votes of persons who had not been assessed at the usual period, permitting them to be assessed and to pay their tax on the very day of election. Should the legislature revise the present system, and deem it expedient to remedy existing defects, they will be careful to provide, that no qualified citizen shall be deprived of his right of suffrage, by the omission or neglect of any officer to do his duty.

The report of the Adjutant General, which that officer is directed by law to make annually, will place the whole subject of the militia establishment, fully within the view of the legislature, by which they will be enabled to judge, whether it would be expedient, at this time, to make any alteration in the present system. I cannot however pass over the subject, without expressing the pleasure and satisfaction I feel, necessarily resulting from the high degree of confidence in the strength of our government, with which the military ardor of our youth cannot fail to inspire us. Three hundred and thirty five companies of volunteers, stimulated by a principle of patriotism and united by attachment to the constitution and government of their country, each reported by the competent authority to contain the number of men required by law, and to be properly uniformed and equipped, *now* compose a force, adequate to meet any emergency in which the state may be called upon to act, or find it necessary to make a display of her military strength.

To the subject of education I consider it my duty again to invite the attention of the Legislature; for, although much has been done by your predecessors, in compliance with the constitutional injunction of providing for the gratuitous instruction of the poor, and for the establishment of seminaries in which the arts and sciences are taught, for the accommodation of those who aspire after higher literary attainments; and, although many individuals, with a truly commendable zeal, have liberally contributed their aid in furthering the views of government, experience proves that much is yet wanting to complete the system. It is not necessary to recapitulate to an enlightened Legislature, the arguments so often urged in favor of education, and the advantages of a general diffusion of knowledge in a republican government. To you, as guardians of the public weal, I submit the subject, barely expressing my earnest wish, that each succeeding Legislature, taking advantage of the light gained by experience, may persevere in improving the system, until it shall be brought to such a state of perfection as fully to answer the purpose of its wise and salutary design.

To your own knowledge, gentlemen, of the wants and wishes of our constituents, and to communications formerly made to the Legislature, I refer for many other topics of public importance; assuring you of a sincere disposition on my part, to co-operate in

every measure which may contribute to the prosperity of the country and the happiness of the people.

To husband the means of the commonwealth; to apply the public resources to the promotion of objects of public utility; to retrench the public expenses, in every branch and department of the government, within the bounds of moderation; and to exact a strict accountability from all persons entrusted with the collection, the receipt, and expenditure of public money, is the duty of those to whom the people have committed the administration of their public affairs. The commencement of a system of economy introduced into the concerns of the commonwealth has been attended already with the most salutary consequences; and, should the same spirit of retrenchment, of which some pleasing evidences have been furnished by the proceedings of our national legislature at its last session, be persevered in, it will not fail in the end, to produce the same happy results on a larger scale, and to an extent which cannot but be felt and acknowledged by the people throughout the Union.

The business of legislation is often attended with difficulties and embarrassment, and disappointment will sometimes be the fate of a well founded hope of accomplishing measures of great public advantage; but, if the object be virtuous, and the public good the aim of honest endeavor, the consciousness of fulfilling our duties with fidelity to the constitution and our constituents, will always compensate our labor, even should failure be the consequence. One mean of advancing the public interest, and conducting the public business with despatch, will be the cultivation of harmony, not only among yourselves, but with the different branches of government, who have an agency in the legislative functions. But, however desirable harmony and despatch in the transaction of the public business may be, and however much it may be the wish and study of us all to promote economy, and produce a saving of public money by shortening the session, I indulge the persuasion that you will do all that may be in your power to do, to prevent such part of the business of legislation, as may require the participation of the Executive, from being crowded upon him towards the close of the session. When this happens to such an extent and in such manner, as not to allow sufficient time for consideration, he is deprived of the opportunity of bestowing upon it that necessary degree of deliberation, which the constitution contemplates, and a regard to the public welfare imperiously demands.

JOSEPH HIESTER.

*Harrisburg, December 5th, 1822.*

## DOCUMENTS

*Referred to in the Governor's Message.*

DEPARTMENT OF STATE.

*Harrisburg, April 20th, 1822.*

SIR: By the Governor's direction, I have the honor of enclosing you a certified copy of an act passed at the last session of the

Legislature, transmitted in compliance with the duty enjoined on the Governor, by the 5th section of said act.

I have the honor to be, Sir,

Very respectfully, your obedient servant,

ANDREW GREGG, *Secretary.*

HONORABLE JESSE MOORE,

President of the 6th Judicial District.

NOTE.—A similar letter was at the same time sent to Joseph Hackney, Esq. Associate Judge of Warren county.

DEPARTMENT OF STATE,

*Harrisburg, April 22, 1822.*

On the receipt of your letter, bearing date on the 22d day of February last, directed to the Governor, he laid it before the General Assembly then in session, which alone possessed the power of removing the grievances of which you complained.—An act was passed, a copy of which you will find enclosed, which the Governor expects will be satisfactory to you, inasmuch as it provides for the payment of the taxes that have been already assessed on your property, and exempts the land granted by the Commonwealth to you and your heirs, from the payment of any kind of taxes hereafter, so long as you and they hold the same in your right, for the use of your tribe of Indians.

It also provides such security for your timber, as it is hoped will be sufficient to protect it from the depredations of your unruly neighbors, and it has appointed Jesse Moore, Esquire, President Judge of that district, and Joseph Hackney an Associate Judge of Warren county, commissioners to confer with you on the subjects of your complaint, and to explain the nature and objects of the act passed for your relief. A copy of the act has been transmitted to each of them, who, there is no doubt, will faithfully attend to the duty which it enjoins on them, and who it is hoped, will prove acceptable to you, on account of their general reputation for justice, and their friendly disposition towards your tribe.—The Governor, in directing this communication to be made to you in compliance with the provisions of the act of Assembly, avails himself of the opportunity of assuring you of his anxious desire, that no future cause of uneasiness may be excited by any unjustifiable interference with your property, by any individuals whatever, and that you may be permitted to enjoy in peace and safety, the uninterrupted fruit of your industry, by the improvement and cultivation of your land, granted you by the commonwealth of Pennsylvania, for your fidelity, attachment and good feeling to the people and government of the United States.

With a sincere desire for your peace,

Comfort and happiness, I am your most obedient servant,

ANDREW GREGG, *Secretary.*

To CORNPLANTER,

Chief of the Seneca nation of Indians.

*Warren, September 6, 1822.*

**SIR:** Agreeably to the directions of the 4th section of "An Act for the relief of Cornplanter, a Chief of the Seneca nation of Indians," passed the second day of April, one thousand eight hundred and twenty-two, we, the subscribers, on the third day of June last, in the court-house of the county of Warren, had an interview with the said Cornplanter, accompanied by several of the principal men of his tribe or nation and settlement, and by the aid of two interpreters, brought with him, did then and there explain to him and them, as well "the nature and objects of the said act," as of the fifth section of the act, passed the ninth day of April 1760, "to prevent the hunting of deer, &c. and against killing deer out of season,"

We endeavored, too, to make him and his people understand, that if any injury should hereafter be done by the white people to him or to the other Indians, to their lands or personal property, they ought not by force or violence to take vengeance or seek redress, but peaceably to apply to some magistrate or the court, who, according to their respective jurisdiction and authority, would grant to him and his people, the same compensation or redress that would, for a similar injury, be granted to any white man.

Cornplanter then requested, that we would, on the next morning, meet him again in the court-house, to hear his reply to the explanations and communications which we had made to him. And after he had retired, and the Grand Jury had been charged upon those subjects that might probably come before them, the Court then earnestly exhorted the members of that jury and the crowded audience attending, to act peaceably and fairly to all their Indian neighbors, and to use their individual influence to induce all others to act towards them in a similar manner; to remember that this part of the country had formerly all belonged to the once powerful ancestors of this now feeble tribe, who had long since sold it to the state, and who did not now claim it, but only wished the peaceable and full enjoyment of the rights and of the pittance of land which they had reserved to themselves; and to recollect that they were now no longer objects of fear to us, but subjects of compassion, to whom, as citizens of the state, we ought ever to be just, and as christians, if really actuated and governed by the principles of the religion which we profess, we should be always disposed to be kind, beneficent and merciful.

On the fourth day of June last, according to appointment, Cornplanter with his companions before mentioned, appeared before us in the court-house, in the town of Warren, when he delivered to us the following speech:

"Yesterday was appointed for us all to meet here. The writing which the Governor has sent here, has pleased us very much. I think that the Great Spirit is very much pleased that the white people have been induced to assist the Indians as they have done; and that he is pleased also to see the great men of this state and

of the United States so friendly to us. We are much pleased with what has been done.

"The Great Spirit first made the world, and next the flying animals, and found all things good and prosperous. He is immortal and everlasting. After finishing the flying animals, he came down on the earth and stood there;—and then he created the beasts. Then he made different kinds of trees and weeds, and all sorts of people of every kind. He made the spring and other seasons and the weather suitable for planting. These he *did* make, but *stills* to make *whiskey* to be given to the Indians, he did *not* make. The Great Spirit bids me tell the white people *not* to give the Indians this kind of liquor.

"When the Great Spirit had made the earth and its animals, he went into the great lakes, where he breathed as easily as any where else, and there he made all the different kinds of fish. The Great Spirit looked back on all that he had made. The different kinds he made to be separate, and not to mix with and disturb each other. But the white people have broken his command by mixing their color with the Indians. The Indians have done better by *not doing so*.

"The Great Spirit wishes that all wars and fightings should cease. He next told us, that there are *three* things for people to attend to. First, we ought to take care of our wives and children; 2, the white people ought to attend to their farms and cattle; 3, the Great Spirit has given the bears and deer to the Indians. He is the cause of all things that exist, and it is very wicked to go against his will.

"The Great Spirit wishes me to inform the people, that they should quit drinking intoxicating drink, as being the cause of diseases and death. He told us not to sell any more of our lands, for he never sold lands to any one.

"Some of us keep the seventh day, but I wish to quit; for the Great Spirit made it for others afar off—but not for the Indians who ought every day to attend to their business. He has ordered me to quit drinking any intoxicating drink, and not to lust after any woman but my own; and informed me that by doing so I should live the longer. He made known to me, that it is very wicked to lie. Let no one suppose, that this which I have now said is not true.

"I have now to thank the Governor for what he has done, and have him what the Great Spirit has ordered me to cease from, and I wish the Governor to inform others of what I have communicated. This is all I have at present to say."

Cornplanter and his companions appeared, as his speech indicates, to be fully satisfied with what has been done for them. And though they did not expressly promise to apply to the civil authority of the state for the redress of any injuries that may hereafter be done to them by any of the white people, yet, as their success on the present occasion, seems so much to have exceeded their expectations, it is probable that they will in future be more disposed than they for-

merly were, to have recourse to such means for restraining or for obtaining a compensation for any injury that may be done or offered to them.

The mass of the citizens of Warren county, we believe, approve of this act. And if there are any discontented persons there, they are only a few, who, like the Indians, would rather live by hunting than by agriculture, and who may imagine that their profits will be lessened, if the Indians are permitted to enjoy the rights to which they are justly entitled. But from the few persons of this description, no serious or injurious opposition to the laws is at present apprehended.

With perfect consideration,

We are, Sir,

Your very obedient servants,

JESSE MOORE,

JOSEPH HACKNEY.

His Excellency JOSEPH HIESTER, Esq.

*Governor of the Commonwealth of Pennsylvania.*

*To his Excellency Joseph Hiester, Governor of the Commonwealth of Pennsylvania.*

SIR: In compliance with an act of the Legislature of this state, passed the eleventh day of March, Anno Domini one thousand eight hundred and twenty-two, entitled "A supplement to an act, entitled An act, erecting part of Cumberland county into a separate county to be called Perry," and in accordance with your appointment, we, the undersigned, commissioners chosen by the Legislature, for the purpose of carrying the requisitions of said law into effect, met at the town of Landisburg, in said county, viz. Moses Rankin, David Fullerton and James Agnew, on Tuesday the seventh, and James Hindman, on Wednesday the eighth instant, and after taking the requisite oaths, proceeded to view the several sites, contemplated by the people, together with those agreed upon and fixed by former commissioners; and from the general view which we have had of the territorial bounds of said county, the relative situation of its inhabitants, convenience of roads and waters, we are of opinion, that neither of the sites agreed upon by the former commissioners, are calculated to combine the interests of, or render that satisfaction and accommodation, to the citizens of Perry county, contemplated by the law under which we act.

Therefore we have, after due deliberation, unanimously agreed, and have located the seat for the public buildings, viz. court house, jail and county offices, for the said county of Perry, at the town of Landisburg, on lands of Samuel A. Anderson, and Jacob Stroop, Esquire, described and bounded as follows, viz. beginning at a post, on the west end of Main or Second-street, in a lot of Samuel A. Anderson, thence South sixty-eight degrees West, four hundred and twenty feet to a post; thence South twenty-two degrees East,

two hundred and twenty feet to a post; thence North sixty-eight degrees, east, four hundred and twenty feet to a post; thence North twenty-two degrees West, two hundred and twenty feet, to the place of beginning. Which said lot, or parcel of ground as above described, we do hereby adjudge and confirm, as far as our power extends, as laid down in the l.w under which we act, to be the proper site to erect the court house, prison and county offices of said county of Perry upon, and as such hereby make report, and return the same to the Governor, as we are by law directed to do.

Given under our hands, this eighteenth day of May, Anno Domini one thousand eight hundred and twenty-two.

MOSES RANKIN,  
JAMES AGNEW,  
DAVID FULLERTON,  
JAMES HINDMAN.

*To Joseph Hiester, Esquire, Governor of the Commonwealth of Pennsylvania.*

The undersigned, citizens of the county of Perry, do PROTEST against the legality of the location of the seat of justice at Landisburg, for said county; because all the Commissioners named in the act of Assembly did not attend, and one of those who was present at the location, did not arrive until the other three had viewed the most important sections of the county, which totally disqualified him from estimating the relative advantages of the several sites. Believing it to be an established rule in Pennsylvania, that the laws shall be strictly construed, we are clearly of opinion that a part of the Commissioners were not competent to discharge a duty so imperatively enjoined on the whole; consequently their decision was an illegal execution of the law, and the report ought not to be accepted. We will not advert to the probable causes which led to an invasion of the rights of a large majority of the citizens of this county. Common justice requires that where a single individual has been aggrieved by a misconstruction of laws, he shall have redress. How much more imperative are the demands of justice, when a large majority of the citizens of Perry county have suffered a manifest injustice in open violation of the very law that had cautiously guarded their rights. Feeling confident that the executive is disposed to infore a due execution of the laws of this Commonwealth, we trust that such measures will be adopted as will be most likely to secure a fair and equitable accommodation to the people of this county, in attending courts of justice.

In pursuance of public notice, a large and respectable meeting of the citizens of Perry county, met at the house of John Coch, in Juniata township, in said county, and after calling Richard Baird to the chair, and Thomas Gallaher secretary, the following resolution was unanimously adopted:

*Resolved,* That the above protest be sent on to the Governor of this Commonwealth, with a request to deposite it in the Secretary's office of this Commonwealth.

# THE SENATE.

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*Resolved*, That the above proceedings be signed by the chairman and secretary.

**RICHARD BAIRD**, Chairman.

**THOMAS GALLAHER**, Secretary.

*Perry County, June 5, 1822.*

*Auditor General's Office, December 3, 1822.*

SIR: Agreeably to your request, communicated by letter of the 15th ultimo, I have prepared from official documents, a statement of the "receipts and expenditures," from the first day of December, 1821, to the 30th November, 1822, (both days inclusive,) which will be found in the subjoined abstract.

With great respect,

I have the honor to be,

Your Excellency's,

Obedient servant,

**JAMES DUNCAN**,

**JOSEPH HIESTER**, Esq.

*Governor of the Commonwealth.*

## RECEIPTS.

Lands and Land Office fees,	- - -	70,604 51½
Auction commissions,	- - -	15,200 00
Auction duties,	- - -	73,289 73
Dividends on bank stock,	- - -	121,289 00
Tax on bank dividends,	- - -	22,670 44
Dividends on bridge and turnpike stock,	- - -	7,170 00
Tavern licenses,	- - -	31,729 12
Duties on retailers of foreign merchandise,	- - -	35,653 22½
Tax on offices,	- - -	6,000 82
Militia and exempt fines,	- - -	5,297 65
Fees of Secretary of the Commonwealth,	- - -	1,193 94½
Old debts and Miscellaneous,	- - -	4,667 66
First instalment on account of purchase money of the Arch-street prison,	- - -	16,666 67

Amount of receipts, 411,432 27½

Balance in the Treasury on the 1st December, 1821, 493,649 42½

3905,081 70½

## EXPENDITURES.

Internal Improvements,	- - -	173,851 18½
Expenses of government, ordinary and contingent,	- - -	166,320 13½
Militia expenses,	- - -	25,837 68
Removal of convicts,	- - -	7,180 48
Pensions and gratuities,	- - -	20,031 17
Interest on loans,	- - -	80,300 00
State Capitol,	- - -	11,500 00
Pennsylvania claimants,	- - -	2,760 87



## JOURNAL OF

Education, Deaf and Dumb institution, &c.	15,951 95
Penitentiary at Philadelphia,	45,000 00
Penitentiary near Pittsburg,	16,404 82
Expenses consequent to the late war,	331 67
Miscellaneous,	5,552 89½

571,042 86¼

Balance in the Treasury, 1st December, 1822,

334,038 84

8905,081 70¼

JAMES DUNCAN, A. G.

*December 3, 1822.*

Ordered to lie on the table.

On motion,

*Ordered*, That the usual number of copies of the foregoing message, be printed for the use of the members.

On motion of Mr. Markley and Mr. Power,

The resolution read on the 3d instant, on the subject of standing committees, was again read, considered and adopted, and the several items referred as follows, to wit:

1. *Accounts.* To Mr. Eyester, Mr. Cadwallader, Mr. Brewster, Mr. Herrington and Mr. Groves.

2. *Claims.* To Mr. Dickerson, Mr. R. Smith, Mr. Feger, Mr. Kelton, and Mr. Allshouse.

3. *Militia System.* To Mr. Barnard, Mr. Orr, Mr. Mann, Mr. Power, and Mr. Kichelberger.

4. *The Judiciary System.* To Mr. Markley, Mr. W. R. Smith, Mr. Robertson, Mr. Mahon, Mr. Fry, Mr. Hill and Mr. Shulze.

5. *Roads, Bridges and Inland Navigation.* To Mr. M'Means, Mr. Coleman, Mr. Wurts, Mr. Power and Mr. Brewster.

6. *Banks.* To Mr. Coleman, Mr. Conyngham, Mr. Winter, Mr. Henderson, Mr. Mann, Mr. St. Clair and Mr. Feger.

7. *Education.* To Mr. Wurts, Mr. St. Clair, Mr. Hubley, Mr. Shulze and Mr. Mahon.

8. *Agriculture and Manufactures.* To Mr. Groves, Mr. R. Smith, Mr. Duncan, Mr. Cadwallader and Mr. Orr.

9. *To compare Bills.* To Mr. Kelton, Mr. Henderson and Mr. Winter.

10. *Electim Districts.* To Mr. Hill, Mr. Brewster, Mr. W. R. Smith, Mr. Fry and Mr. Robertson.

11. *State Library.* To Mr. Duncan, Mr. Markley and Mr. Barnard.

*Ordered*, That the Clerk give information to the House of Representatives of the appointment of the last named committee.

Mr. W. R. Smith read a bill in his place, and on leave given, presented the same to the chair, entitled "An act for the relief of the contractors for building the Conemaugh bridge, and the bridge over the west branch of Susquehanna."

Which bill was read the first time.

Agreeably to order, the Senate proceeded to the election of clerk, (Mr. Wurts and Mr. St. Clair being appointed tellers); and upon ascertaining the votes, John De Pui had fifteen, and Samuel Conrad twelve votes. So it appeared that John De Pui was duly elected, to whom the requisite affirmations were administered by the Speaker.

Agreeably to order, the Senate then proceeded to the election of sergeant-at-arms, (tellers as before); and upon ascertaining the votes it appeared that William Shannon was unanimously elected.

Agreeably to order, the Senate then proceeded to the election of doorkeeper, (tellers as before); and upon ascertaining the votes Robert Dickey had nineteen, John M. Eberman five, and Thomas C. Reed three votes. So it appeared that Robert Dickey was duly elected.

Adjourned until 11 o'clock to-morrow morning.

## Friday, December 6, 1822.

Mr. Brewster presented a petition from sundry inhabitants of this Commonwealth, praying that an act may be passed to authorise the construction of an artificial road from the five mile stake, north of the Lackawana creek, on the Philadelphia and Great Bend Turnpike Road, by the nearest and best route to Montrose, in Susquehanna county.

And said petition was read and referred to the committee on roads, bridges and inland navigation.

The clerk of the House of Representatives being introduced, presented an extract from the Journal of that house, which was read as follows, to wit:

*"In the House of Representatives, Dec. 6, 1822.*

*"On motion.*

*"Mr. Conrad, Mr. Sterigere and Mr. Dechert were appointed a committee on the part of the House of Representatives, for the purpose expressed in the act entitled, "An act to provide for the better preservation and increase of the Library of this Commonwealth."*

*Mr. W. R. Smith, from the committee to whom was yesterday referred a petition from Richard B. M'Cabe, on leave given, reported a bill, entitled "An act to authorise Richard B. M'Cabe to copy and publish certain public documents."*

*Which bill was read the first time.*

*Mr. Wurts read a bill in his place, and on leave given, presented the same to the chair, entitled "An act to provide for the general promulgation of the laws and resolutions of the General Assembly of this commonwealth."*

*Which bill was read the first time.*

*On motion of Mr. Markley and Mr. M'Meens, the message of the Governor, read yesterday, was again read, and referred to Mr. Markley. Mr. Wurts and Mr. Mahon,*

On motion of Mr. Markley and Mr. Power,  
*Ordered*, That the election of printers, to do the printing work of the Senate, during the present session, be the order of the day for Monday next.

Adjourned until 11 o'clock to-morrow morning.

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## Saturday, December 7, 1822.

Mr. Groves presented a petition from sundry inhabitants of the city and county of Philadelphia, associated under the name and title of the "Musical Fund Society of Philadelphia," praying that an act may be passed, conferring upon them the usual corporate privileges.

And said petition was read and referred to Messrs. Groves, Henderson and Markley.

Mr. W. R. Smith presented a memorial and documents from David W. Huling, president of the Harrisburg and Millerstown Turnpike Road Company, stating that they have so far complied with the requisitions of the act of 24th March, 1812, as to entitle them to a certain portion of the Commonwealth subscriptions to said road, which they have been unable to obtain, and praying the interposition of the Legislature.

And said memorial was read, and, with the documents accompanying it, referred to the committee on the Judiciary System.

On motion of Mr. M'Means and Mr. Power,

*Ordered*, That the petition relative to the Lewistown and Huntingdon Turnpike Road Company, read on the 5th instant, be referred to the last named committee.

Mr. Wurts presented to the chair from Roberts Vaux, of the city of Philadelphia, for the use of the State Library, a "Report on the Penitentiary System, in the United States, prepared under the resolution of the Society for the prevention of pauperism in the city of New-York."

And the same was laid on the table.

The Speaker laid before the Senate a letter from Alexander Magee, proposing to print the Laws of the present and two succeeding sessions of the Legislature, in pamphlet form, at forty dollars per sheet, exclusive of folding and stitching; or at the rate of forty-two dollars per sheet, if contracted by the single session.

And said letter was read, and

Laid on the table.

Mr. W. R. Smith read a bill in his place, and on leave given, presented the same to the chair, entitled "A further supplement to the act entitled an act authorising the Governor to incorporate a company for making an artificial road from the borough of Harrisburg, through Lewistown and Huntingdon to Pittsburg.

Which bill was read the first time.

Mr. Mahon obtained leave to withdraw from the files of the last session, a petition and documents relative to the Lutheran and Calvinist Church of Trindle's Spring, in Cumberland county.  
Adjourned until 11 o'clock Monday morning next.

## Monday, December 9, 1822.

The clerk nominated William Stewart for his assistant, which nomination was approved by the Senate.

William Shannon, sergeant-at-arms, having been absent serving writs for the election of a Senator to supply the place of Andrew Albright, deceased, now appeared, when the requisite oaths of office were administered to him by the Speaker.

Mr. Coleman presented a petition, signed by the stockholders of the company for erecting a bridge over the Susquehanna, at or near the town of Columbia, in the county of Lancaster, praying that the privileges of banking may be granted to them.

And said petition was read, and referred to the committee on Banks.

Mr. St. Clair presented a petition of Andrew Robertson, an old soldier, praying that a law may be passed, refunding him the purchase money paid in the Land Office, on account of a tract of land in Westmoreland county.

And said petition was read and referred to Messrs. St. Clair, Duncan and Mann.

Mr. Groves presented a petition, signed by the president, cashier and junta, of the incorporated German Hebrew Society, called "Rodeph Shalom," of the city and county of Philadelphia, in behalf of said society, praying that a law may be passed, authorising them to raise funds by way of lottery, to build a suitable edifice for public worship.

And said petition was read and laid on the table.

The Speaker laid before the Senate, a letter and documents, from the Surveyor General, which were read as follows, to wit:

*Surveyor General's Office, December 7, 1822.*

SIR: I enclose for the information of the Senate, a report made in conformity with the several acts of Assembly, in that case made and provided, and am

Very respectfully

Your obedient servant,

SAMUEL COCHRAN.

The Honorable

WILLIAM MARKS, Jr. Esq. Speaker of the Senate.

*Surveyor General's Office, 2d December, 1822.*

In obedience to the directions of the several Acts of Assembly, in that case made and provided, I have the honor to make report

to the Legislature, of the business performed in, and the state of this Office within the last year; of the manner in which the extra appropriation for clerk hire has been applied; and of the contingent expenses, including those of the board of property.

*Business for which no Fees are receivable.*

- 201 New warrants to survey, entered, numbered and filed: copies of which have been made and directed to the deputy surveyors respectively for execution.
- 154 Warrants of acceptance entered, numbered and filed.
- 1099 Tickets directed to the Secretary of the Land Office, each of which required a search to be made.
- 760 Returns made to the Secretary of the Land Office, for patenting—the surveys and warrants endorsed accordingly, and correspondent entries made in the warrant registers.
- 636 New surveys received, examined, entered in the deputy's lists, marked in the warrant registers, endorsed with the time of acceptance, numbered and filed.
- 702 Entries made in the fee book.
- 4 Quarterly accounts settled at the Auditor General's Office.
- 1312 Tickets directed to the Secretary of the Land Office, for calculation in pursuance of the act of 22d March, 1820.

*Business for which Fees have been received, amounting to \$873 25, viz:*

- 1170 Copies and extracts.
- 31 Connections embracing 380 surveys.
- 5 General drafts.
- 652 Searches.

On the 1st of April last, there remained unexpended of the permanent and extra appropriations, for clerk hire, \$106 20. Since that period, there has been applied in the payment of clerks up to the 1st of October, \$1,251, leaving a balance of \$1,300 for the remainder of the year.

The contingent expenses since the last report, have been as follows, viz:

Stationary and printing,	82 45
Postage,	35 61½
Doorkeeper,	132 00
Fuel,	33 25
Repairs and cleaning office,	22 14½
Miscellaneous,	6 87½

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\$312 33½

Of which \$152 47½ has been paid since the 1st of April last, and is chargeable to the appropriation made by act of 2d April, 1822, leaving a balance for the remainder of the year, of \$297 52½.

All which is respectfully submitted.

SAMUEL COCHRAN, S. G.

Ordered to lie on the table.

The Speaker laid before the Senate a letter and documents from the Secretary of the Land Office, which were read as follows, to wit:

*Land Office, December 7th, 1822.*

SIR: Agreeably to law, I enclose to you for the information of the Senate, a report of the business transacted in the Land office during the last year.

And am, very respectfully,

Your obedient servant,

JAMES BRADY, *Secretary Land Office.*

To the Hon. WILLIAM MARKS, Esq.

Speaker of the Senate.

*LAND OFFICE, December 7, 1822.*

*To the honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met.*

The following statement shews the business transacted in the office during the year ending the 30th November, 1822; also the sum expended for clerk hire, and an account of the contingent expenses.

- 771 Patents issued, recorded, &c.
- 183 Warrants for vacant land.
- 18 Warrants for islands.
- 154 Warrants of acceptance.
- 183 Applications for warrants, entered and filed.
- 35 Applications for islands entered and filed.
- 1054 Accounts posted, indexed, &c.
- 1106 Treasurer's receipts entered.
- 373 Tickets or vouchers made.
- 1054 Vouchers numbered, filed, &c.
- 1106 Certificates to the Treasury.
- 928 Calculations of purchase money due.
- 1312 Tickets received from the office of the Surveyor General, issued under act of 22d March, 18 0,
- 1312 Terms of purchase marked on the above.
- 742 Searches for moneys paid on warrants issued, part of the above mentioned tracts, exclusive of a very considerable number of searches connected with the same.
- 516 Calculations of purchase money and interest on part of the above mentioned tracts.
- 849 Old accounts balanced, transferred, &c.
- 621 Orders to the Surveyor General for returns.
- 45 Minutes of the board of property.
- 543 Entries in fee book.
- 4 Quarterly accounts of fees copied and settlements made.
- 126 Mortgages taken to secure the purchase money and interest due the Commonwealth.
- 563 Mortgages and liens entered in a book and indexed.
- 670 Calculations of purchase money and interest due on mortgages and liens.

- 97 Searches.
- 191 Office copies.
- 37 Caveats.
- 15 Citations issued.
- 21 Certificates on discharge of mortgages and liens.
- 11 Orders for re-survey.
- 157 Calculations on which orders were not made to the Treasurer.
- 61 Exemplifications of patents.
- 11 Orders for valuation of islands.

Of the balance of \$3,926 33 unexpended, October 1, 1821, there has been paid to clerks, to October first last, the sum of \$2,979 17; leaving a balance of \$2,547 16, to which add the appropriation for clerk hire by law of last session, makes an amount of \$4,247 16 to compensate clerks to April 1st, next.

*Contingent expenses to September 30th last.*

Paid for printing, binding and stationary,	\$457 70
Postage on public letters,	16 72
Fuel,	33 25
Repairs of, and sundries purchased for, the use of the office,	24 38
Messenger and Doorkeeper,	136 40
	<hr/>
	\$668 45

Of the above sum, \$217 80 was paid out of the balance of the appropriation for the last year, ending on the 1st day of April last; and the further sum of \$450 65 has been paid out of the appropriation for the present year, commencing the 1st day of April last, leaving a balance of \$299 35, to meet the contingent expenses to the end of the year.

With regard to the state of the office, I will only add, that the current business has been regularly brought up, which was unavoidably left back, during the last winter.

Respectfully submitted.

JAMES BRADY, *Secretary*  
*Land Office.*

Ordered to lie on the table.

The Speaker laid before the Senate, a letter and documents from the Auditor General, which were read as follows, to wit:

AUDITOR GENERAL'S OFFICE, }  
December 9, 1822. }

SIR: Agreeably to the 5th section of an act of Assembly, passed the 2d of April, 1822, "authorising a loan of \$400,000," it is made the duty of the Auditor General, to lay before the Legislature a detailed report of the proceedings which may have been adopted in pursuance of said act.

In compliance with the directions thereof, I have the honor of informing the Legislature, that advertisements inviting proposals, were published in five newspapers printed in the city of Philadelphia, and two at the seat of government, on the 19th of April last, and continued until the 2d Monday of June following.

The offer of loaning not being such as would, in the judgment of the treasury officers, render it advisable for them to accept the same, no part of the money has been borrowed.

A copy of the offer to loan, and of the advertisements published, will be found in the accompanying papers.

With respect, I have the honor to be, Sir,

Your obedient servant,

JAMES DUNCAN, A. G.

The Honorable

The SPEAKER of the Senate.

*Philadelphia, June 4, 1822.*

GENTLEMEN: Observing in several of the late papers, proposals for subscription to a state loan, authorized by an act of our state legislature, passed 2d April, 1822, which proposals, however, do not specify whether the whole amount subscribed will be required at *once*, or, whether the money is to be paid in instalments. If the money is all to be paid at *once* then, and in *that case only*, I beg leave to state, that I am willing to take three thousand dollars of said loan, at par, (that is to say, 100 dollars cash for 100 dollars stock) on condition that the interest 5 per cent. per annum) shall be paid half yearly at the Bank of Pennsylvania, or any other bank in the city of Philadelphia, and the certificates to be transferable at the bank aforesaid, or any other bank in said city.

The certificates to be issued in the following names, and for the following amounts, to wit:

Mary Loxley, of Philadelphia, widow,	-	\$ 800
Mary P. Loxley. of Philadelphia,	-	700
Richard & Benjamin Loxley, of Phila. carriers,		1,500
		<hr/> 3,000

Should it be your intention to receive the subscription only in *instalments*, then we beg leave to *decline* being considered as subscribers, as we wish to invest the whole of the above amount *immediately*. A line from you stating your determination as soon as possible, will much oblige the subscriber.

With sentiments of esteem and respect,

I remain, &c. &c. &c.

RICHARD LOXLEY,

No. 115, Mulberry Street, Philadelphia:

JAMES DUNCAN, and

WILLIAM CLARK, Esquires,

Treasury Department, Harrisburg, Pa.

A true copy:

JAMES DUNCAN, A. G.

December 9, 1822.



## PENNSYLVANIA LOAN.

*Treasury Department, April 19, 1822.*

## NOTICE IS HEREBY GIVEN,

That in pursuance of the authority vested in the State Treasurer and Auditor General, by an act entitled, "An act to authorize a loan," passed April 2d, 1822, they are desirous to negotiate a loan of four hundred thousand dollars, by the issue of negotiable certificates, at an interest not exceeding five per cent. per annum, payable half yearly, at the State Treasury, or at the Bank of Pennsylvania, in Philadelphia, to be reimbursable in seven years: *Provided, however,* that should the state not have funds to reimburse as aforesaid, then to be reimbursable either in part or the whole, as may suit the funds of the state, at any period after the expiration of the seven years, not exceeding fifteen years from the date of the said loan. Sealed proposals will be received for a part or the whole of the said loan, at the Treasury Department, until the second Monday of June next.

It is required that the proposals shall specify the sum which the parties are willing to give for every hundred dollars of stock.

WILLIAM CLARK, *Treas'r.*

JAMES DUNCAN, *A. G.*

A true copy:

JAMES DUNCAN, *A. G.*

*December, 9, 1822.*

The Speaker laid before the Senate, a letter from Solomon Sprigman, of the borough of Harrisburg, stating that he was employed two years ago, by William F. Buyers and John M'Farland, to stitch the journal of the Senate, and both becoming insolvent, he did not receive his compensation, and therefore prays the Legislature to grant him relief.

Ordered to lie on the table.

The Speaker laid before the Senate, a letter from Mowry & Cameron,

Which was read as follow to wit:

HARRISBURG, DEC. 9, 1822.

*To the Speaker and Members of the Senate of Pennsylvania.*

GENTLEMEN: We beg leave to state to you, that in case we should be elected printers of your journal, for the present session, we intend to keep up the size of the pages to 1500 m's, and arrange the matter closely, without scabbards, except so far as may be necessary to justify the pages; and we also agree, that if a law should be passed, during the session, fixing the prices of printing for the future, the committee of accounts, shall be authorized to settle our printing bill, in conformity to the prices fixed by law.

We are,

Respectfully,

MOWRY & CAMERON.

Ordered to lie on the table.

Mr. Hill obtained leave to withdraw the name of H. W. Peterson, from the list of applicants, to do the printing work of the Senate.

Agreeably to order,

The Senate proceeded to the election of printers of the Journal in the English language, (the clerks being appointed tellers) and upon ascertaining the votes, it appeared that neither of the applicants had a majority of the whole number.

Whereupon,

On motion,

The Senate again proceeded to the election of printers of the Journal in the English language, (tellers as before) and upon ascertaining the votes, it appeared that Mowry & Cameron were duly elected.

Agreeably to order,

The Senate proceeded to the election of a printer of the Journal in the German language, (tellers as before) and upon ascertaining the votes, it appeared that neither of the applicants had a majority of the whole number.

Whereupon,

On motion,

The Senate proceeded to a second poll, (tellers as before) and upon ascertaining the votes, it appeared that neither of the candidates had a majority of the whole number.

Whereupon,

On motion,

The Senate proceeded to the third poll, (tellers as before) and upon ascertaining the votes, it appeared that George Hanke was duly elected.

Agreeably to order,

The Senate proceeded to the election of printer of the bills (tellers as before) and upon ascertaining the votes, it appeared that John Wyeth was duly elected.

Ordered, That the clerk inform the Secretary of the Commonwealth of the result of the election for printers of the English and German Journal, and printer of the bills, in order that the requisite security may be taken for the faithful performance of the work.

Adjourned until 11 o'clock, to-morrow morning.

**Tuesday, December 10, 1822.**

Mr. Mahon obtained leave to withdraw the petition and documents of captain John Roberts, of Cumberland county.

Mr. M'Meens presented the petition of the contractors on the Lewistown and Huntingdon turnpike road, stating that they have complied with the provisions of their contracts, according to law; but the State Treasurer refusing to pay their accounts, in consequence of certain disputes in said company, and of a bill on the files of this house, they are induced to ask the interference of the Legislature, in their behalf.

And said petition was read,

And laid on the table.

Mr. Mahon presented the petition and documents of captain John Roberts, stating his losses and services during the late war with Great Britain, and praying for relief;

And said petition was read and with the documents, referred to the committee on claims.

Mr. Wurts presented a petition from sundry stockholders in the Philadelphia Bank, praying for a renewal of their charter;

And said petition was read.

And referred to the committee on Banks.

Mr. Shulze presented the petition and documents of Casper Loeb, an old soldier, praying for relief;

And said petition was read, and with the documents, referred to the committee on claims.

Mr. Markley, from the committee to whom was referred, on the 4th instant, the Governor's message,

Made report,

Which was read as follows to wit:

1. *Resolved*, That so much of the governor's message as relates to agriculture and domestic manufactures, be referred to the committee on Agriculture and domestic manufactures.

2. *Resolved*, That so much as relates to the militia law, the encouragement of volunteer corps, the collection of fines assessed upon delinquent citizens for the non-performance of militia duty during the late war with Great Britain, be referred to the committee on the military system.

3. *Resolved*, That so much as relates to sheriff's and coroner's bonds, the repeal of the law laying a tax on retailers of foreign merchandise, elective franchise, convicts of other states, the general revision or alteration of the penal laws of the commonwealth, the application of the £4,000, under the acts of assembly, passed in the years 1791-92, for the improvement of the navigation of the Little Conemaugh, Monongahela, and Youghiogeny rivers, and the Raystown branch of the Juniata, be referred to the committee on the judiciary system.

4. *Resolved*, That so much as relates to the subject of public improvements, the Union canal, the connection of the Susquehanna with the Delaware, by a canal from the Chesapeake bay to the Del-

aware river, obstruction in navigable waters, the stock of the state in bridges and turnpike roads, &c. be referred to the committee on roads, bridges and inland navigation.

5. *Resolved*, That so much as relates to education, the general diffusion of knowledge, and establishment of seminaries of learning, be referred to the committee on education.

6. *Resolved*. That so much as relates to an act of assembly, passed the 14th of February, 1810, authorising the governor, after a limited time, to subscribe at par, on behalf of the commonwealth, for one thousand two hundred and fifty of the reserved shares in the Bank of Pennsylvania, be referred to the committee on banks.

7. *Resolved*, That so much as relates to the state penitentiaries, be referred to a special committee.

On motion,

Said report was again read, and the first six resolutions were collectively considered and adopted.

The seventh resolution was considered and adopted.

*Ordered*, That Messrs. R. Smith, Dickerson, Robertson, W. R. Smith and Groves, be a committee for the purpose therein expressed.

Mr. Eyster, from the committee of accounts, made report, which was read, as follows, to wit:

That they have adjusted the accounts of William Shannon, Sergeant-at-Arms, for serving writs of election in the counties of Northumberland and Union, to supply the vacancy occasioned by the death of Andrew Albright, and find due to him as follows, to wit:

For travelling expenses and horse hire,	\$11 00
For four days pay at two dollars,	8 00

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\$19 00

Therefore, submit the following resolution:

*Resolved*, That the Speaker draw his warrant, on the State Treasurer, in favor of William Shannon, for nineteen dollars, in full for said service.

On motion,

Said report was again read, and the resolution thereto attached, considered and adopted

A warrant was accordingly so drawn.

A motion was made, by Mr. Eyster and Mr. Cadwallader, and read as follows, to wit:

*Resolved*, That the Speaker draw his warrant on the State Treasurer, in favor of John De Pui, Clerk of the Senate, for the sum of nine hundred dollars, to enable him to pay contingent expenses of the Senate, he to account for the same in the settlement of his accounts.

On motion,

Said resolution was again read, considered and adopted.

A warrant was accordingly so drawn.

A motion was made by Mr. Hill and Mr. Dickerson, and read as follows, to wit:

*Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the following amendment be proposed to the Constitution of the United States of America.*

**ARTICLE.** Elections for President and Vice President of the United States shall be held in each state within the United States, and also, in the states which may hereafter be admitted into this Union, at such times, and conducted in such manner as shall be provided by the legislature of each state respectively; at which elections the citizens of the respective states, qualified to vote for members of the most numerous branch of the legislature, shall be permitted to vote for a President and Vice President of the United States, one of whom shall not be an inhabitant of the state with themselves.

Immediately after the election shall have been holden in different states, agreeably to the provisions of this article, and the several state laws made pursuant thereto, triplicate returns shall be made and certified, in each of the counties, in every state, containing the names of the persons voted for; the office for which each person was polling; and the number of votes, in words at length, given for each candidate—one of which returns shall be filed in such office, in each county, in the several states, as the legislature thereof shall direct; another shall be enclosed, sealed, and so transmitted to the Executive of the proper state; who shall cause all the returns so received, to be truly copied, in a book kept for that purpose, and shall again inclose, seal and so transmit, all the original returns to the seat of government of the United States, directed to the President of the Senate; the other triplicate return shall be forwarded from the several counties, in each state, in such manner as the legislature thereof shall direct, to the Speaker of the House of Representatives in Congress. The President of the Senate, and the Speaker of the House of Representatives, shall in the presence of the Senate and House of Representatives, open and compare all the returns, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President; if such number be a majority of all the votes given; and if no person have majority, a President shall be chosen, agreeably to the provisions of article 12, of the amendments to the United States constitution. The person having the greatest number of votes, as Vice President, shall be Vice President, if such number be a majority of all the votes given; and if no person have such majority the choice of Vice President shall be made agreeably to the provisions of article 12 of the amendments of the constitution of the United States.

Laid on the table.

A motion was made by Mr. Duncan and Mr. Markley, and read as follows, to wit:

*Resolved*, That the clerk be directed to purchase copies of Wharton's Digest, and copies of Sergeant's Constitutional Law, to be paid for out of the contingent fund, which said copies shall be deposited in the Senate chamber, for the use of the members.

Laid on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on the bill entitled,

"An act to provide for the more general promulgation of the laws and resolutions of the General Assembly of this commonwealth."

And after some time, the committee rose and reported said bill, with amendments.

Adjourned until 11 o'clock, to-morrow morning.

## Wednesday, December 11, 1822.

Mr. Mahon presented a memorial from the board of trustees of Dickinson College, praying that the Legislature will make such appropriations of money as will enable them to erect an additional building for the accommodation of the pupils.

And said memorial was read, and referred to the committee on education.

Mr. Shulze presented a petition from the heirs and executors of Thomas and Mary M'Allen, praying the legislature to authorise them to sell certain real estate, in Dauphin and Lebanon counties.

And said petition was read and referred to Messrs. Shulze, Kelton and Eyster.

Mr. M'Meens presented a petition from John Stevens, stating that he has invented a mode for the construction of rail ways, superior to those now in use; and praying that the Legislature will grant him and his associates, an act of incorporation, for the purpose of erecting a rail road from Harrisburg to Pittsburg.

And said petition was read and referred to the committee on roads and inland navigation.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which, with the documents therein referred to, was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have directed to be laid before you, agreeably to the request of the Governor of North Carolina, copies of the pre-

ceedings of the legislature of that state, on the subject of the report and resolution of the legislature of Maryland, relative to an appropriation of public lands to certain states for the support of schools: Also copies of a letter from the Governor of South Carolina, covering a resolution of the legislature of that state, disagreeing to the amendment to the constitution of the United States, proposed by the Legislature of this Commonwealth, in the following words: "Congress shall make no law to erect or incorporate any bank, or other monied institution, except within the district of Columbia; and every bank, or other monied institution, which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the District of Columbia."

I have directed to be laid before you, at the same time, copies of a letter from the then acting Governor of the state of Ohio, offering to exchange the map of that state, for the map of Pennsylvania; and also copies of a statement of the affairs of the "company for erecting a bridge over the Snsquehanna river, in the county of Lancaster, at or near the town of Columbia"; by the agent of the Commonwealth and a committee on the part of the managers.

JOSEPH HIESTER.

*December 11, 1822.*

EXECUTIVE OFFICE OF NORTH CAROLINA,

*Raleigh, June 25, 1822.*

SIR: Agreeably to the direction of the General Assembly of this state, I have the honor to transmit to your excellency, a report and resolutions, passed at their last session, relative to the appropriation of public lands for the purposes of education; and to request that you will communicate the same to the Legislature of the state over which you preside, and solicit their co-operation in the attainment of the objects therein contemplated.

I have the honor to be,

Very respectfully,

Your obedient servant,

GAB. HOLMES.

His Excellency,

The GOVERNOR of Pennsylvania.

Report of the committee to whom was referred the reports and resolutions of the legislatures of Maryland and New Hampshire, and the proceedings in the Senate of the United States, relative to the appropriations of public lands for the purposes of education, made to the legislature of North Carolina, December, 1821.

### REPORT, &c.

The committee to whom was referred that part of the Governor's message which relates to the reports and resolutions of the legislatures of Maryland and New Hampshire, and the proceedings in

the Senate of the United States, relative to appropriations of public land for the purposes of education, respectfully report:

That they have given to the subject all the attention and consideration which their time and opportunities would admit. Your committee are deeply impressed with the importance of education and the general diffusion of knowledge. In a government which depends on the public will, where the sovereign power is vested in the people, and where, by the frequent recurrence of elections, our citizens are periodically and frequently called upon to delegate certain portions of that sovereignty which is inherent in them, it is almost as important that they *should know* their rights, as that they *should possess* them. Without this knowledge, they too often become the dupes of intrigue and the unconscious instruments of faction.

Your committee view with pride, the rapid progress which North Carolina has, of late, made in knowledge and science. Within the last twenty years, academies have been established by individual subscriptions and individual exertions in almost every county in the state. At these seminaries, by the generous exertions of their founders and patrons, thousands of youth, of both sexes, are instructed in the subordinate branches of science, and qualified for the ordinary business of life.

Our university, too, is annually sending forth graduates, who generally embark in the business of instruction, or in some of the learned professions. Many of them are now distinguishing themselves in their several callings, and some are doing honor to the legislative councils of the state. The effect of the establishment of these institutions has been to give to the people of the state a more expanded and liberal view of her policy.

The subject of internal improvement, once thought to be impracticable and visionary, now meets with a friend in every man of intelligence. The question now is, how shall we best render navigable our rivers, and open and improve our roads? How shall we lessen our dependence on the adjacent states, and best avail ourselves of the advantages which nature has given us? Our criminal code, once sanguinary and bloody, has become mild and just; our citizens have become more civilized and refined, and North Carolina begins to have a just sense of what is due to her own character and standing as a member of the Union.

Your committee regret, while advantages have been thus afforded to men of property and fortune of educating their children, that the state, on her part, has not made corresponding efforts to establish primary schools, where the poor could have an opportunity of educating their children. The number who have the means of sending their children to an academy, or, to the university, is comparatively small, and your committee apprehend, that while the efforts of the liberal and the more wealthy to establish these seminaries may have given to their children advantages which they did not before possess, that it may have had the contrary effect upon the poorer class of the community.



The population of North Carolina is so sparse, that in most parts of the state, it requires the whole of a neighborhood to find employment and afford the means of paying neighborhood teachers. Where the means exist, as those who are most engaged in the cause of education, generally send their children to some academy, or to the university, the balance, not so justly appreciating the importance of the subject, suffer it to remain neglected for the want of suitable persons to give an impulse to their exertions. The establishment of primary free schools, where the poor as well as the rich can have an opportunity of instructing their children in the rudiments of an English education, is certainly "a thing devoutly to be wished for" by every friend of his country.

Your committee, however, in the present embarrassed condition of the country, would despair of the state, without any fund at its disposal, except what is collected by taxes from the people, being able to do any thing effectual upon this subject, were it not for the claim which North Carolina has upon the general government for an appropriation of public lands for the purposes of education. This claim is not a new one on the part of North Carolina. The subject was brought before the legislature at a former session, which, by a joint resolution of both houses, instructed their senators, and requested the representatives in congress from this state, to urge the right of North Carolina, to participate in the appropriations of public lands for the purpose aforesaid, in just proportions to what had been granted to the new states. This claim the Senate of the U. States thought it inexpedient to grant. Your committee are, however, gratified that the subject has of late been much canvassed by the old states; particularly by Maryland and New Hampshire, and that there is reason to believe that they are disposed, through the medium of their representation in congress, to assert their rights, to share in the benefits of these appropriations.

Your committee do not consider it important to enter minutely into the discussion of the question made in the Maryland, and assented to in the New Hampshire report, whether previous to the several cessions which have been made to the general government, the non-ceding states were in justice entitled to participate in the extensive back country which then formed a part of the states, which have since made such large cessions to the United States: because they cannot see how it can be made to have any bearing upon the main question. If, however, they were to express an opinion, it would be unfavorable to the claim then set up by the minor states.

The war of the revolution was a war of defence, not of conquest. The states from a sense of individual weakness, associated together for their mutual safety, in the character of states, having certain chartered limits, which were recognized as their respective boundaries, for the purpose of protecting the persons and property of their citizens from the exactions of arbitrary power, and of defending the unalienable rights of man. It never was understood,

or even contemplated, that the war was to be waged for the acquisition of territory. No such motives ever actuated the citizens of the United States.

It is a novel idea to your committee, that two or more states, engaged in a war on the same side, impelled by the same motives, because they are successful, can be said to be entitled to any portion of each others territory by right of conquest. The victory which is achieved is over the *common enemy*, but the conquest it seems is over *each other*. Under the articles of confederation, the states were sovereign to all intents and purposes. The confederation was only a strict alliance for purposes of mutual safety and defence. When, therefore, Great Britain acknowledged our independence, it was as separate, sovereign and independent states.

Again, conquest implies the acquisition of territory. No one state in the Union acquired any territory by the war. Each remained within its former chartered limits. The larger states, however, have now parted with any right they formerly had in the lands they have ceded, and the other states, through their representation in congress, have admitted that the right was in the ceding states, by accepting their cessions upon the conditions and qualifications contained in the several cession acts.

In 1789 the General Assembly of North Carolina passed an act, ceding all that tract of country, which now constitutes the state of Tennessee, to the United States. As it regards the claim of North Carolina to the territory over which she then, and previous to that time, had exercised jurisdiction, there can be no question. Her boundaries had never been defined by any charter subsequent to her own: her claim, therefore, rested upon as firm a basis as the claim of Maryland, to the territory over which she now exercises jurisdiction. The act of cession has the following preamble:

"Whereas, the United States, in congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions of part of the same as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received. Now this state being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens: Be it," &c. Which shows very clearly, the temper of the people at that time. It was soon after the close of the revolutionary struggle, when the states, having each their quota of public debt to pay, and having no surplus fund, that is to say, the smaller states, when public and private confidence were in a great measure shaken, the creditor was apprehensive of the loss of his debts, and the people were oppressed by the burthen of their taxes imposed to defray the ordinary expenses of government, and borne down under the weight of debts already contracted.

These circumstances gave rise to much discontent and complaint, and, no doubt, to the pretended claim on the part of the minor states, to participate in the western lands belonging to other states. It was certainly generous, and may have been politic, in those states to make large cessions to the Union, for the purpose of securing the payment of the public debt, restoring harmony to the people of the different states, and gratifying the wishes of a part of their respective citizens, who were anxious to set up for themselves. It is no less certainly the duty of congress to see that this magnanimous act of generosity be not abused, and the fund which was intended for general, applied to local purposes. The act also contains this provision: "*That all the lands intended to be ceded by virtue of this act, to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*" Language could not have expressed the intention of the legislature more plainly, or placed the claim of those states, which have not yet received appropriation, upon a firmer basis. The acts of cessions of other states contain similar provisions.

Your committee have too exalted an opinion of the congress of the United States, to believe that however much they may doubt "the expediency of making appropriation for the benefit of the old, corresponding with those already made for the new states," they can hesitate for a moment to redeem the plighted faith of the nation, and perform the very condition upon which the cessions were made.

Your committee can give no additional force to the reasoning contained in the reports to the legislatures of the states before mentioned, to show the justice of the claims of the non-ceding states to be allowed appropriations proportionate to those already granted to the new states; and they admit the claim of those states, which have made the largest cessions, are placed, by the several acts upon the subject, on the same footing, except, perhaps, that there may be more equity in the claim of the ceding states, inasmuch as they have made the contract, and paid the consideration upon which the benefit of the stipulations contained in the several cession acts, have been guaranteed to them. There can be as little doubt of the right of all the states to share the advantages which have resulted from the purchase of the Louisiana, and the Indian title to public lands, as they were paid for with money drawn from the treasury of the United States, in the proportion that they have contributed towards the same. As that might be a difficult matter to ascertain, perhaps no better mode can be devised than the one suggested by the Maryland committee, the ratio of square miles.

Your committee are satisfied that the statement and calculation made in the Maryland report are correct. That the amount of unappropriated public lands is four hundred millions of acres: the total amount necessary to do justice to those states, which have not yet had any appropriation made in their favor, is 9,370,760 acres, or something less than 2 $\frac{1}{2}$  per cent. upon the whole amount. That the amount already appropriated for literary purposes, and which will be appropriated, if the system heretofore followed should be adhered to, for the benefit of the new states and territories, is fourteen millions five hundred and seventy-six thousand five hundred and sixty-nine and two-third acres. North Carolina is entitled to an appropriation of 980,666 acres, which, at two dollars per acre, would amount to the sum of 1,961,332 dollars. Two dollars per acre being something less than the average price for which government lands have sold, it would be fair to estimate the claim of North Carolina at two millions of dollars; the interest upon that sum would be 120,000 dollars per annum, which divided equally among all the counties in the state, would make the sum of 1,933 dollars seventy cents per annum, to each county. One hundred and twenty thousand dollars per annum, divided among all the different counties in the state, according to their respective population and wants, judiciously managed, would enable the legislature to establish free schools to a considerable extent, in each county. The means of obtaining education would thus be brought home to the doors of every individual, and the poor, as well as the rich, could avail themselves of the advantages of a fund so wisely appropriated.

Your committee applaud, rather than condemn, the appropriations already made; and all they ask, is, that Congress will make them general, not partial; that, that which is expressly stipulated to be a common fund, for the common benefit of all the states, shall not be applied exclusively for the benefit of any particular state or section of country.

Your committee, from every consideration which they have been able to give the subject, cordially concur with the sentiment expressed in the Maryland report, "that in whatever point of view the public lands are considered, whether acquired by purchase, conquest or cession, they are emphatically the common property of the Union. They ought to inure, therefore, to the common use and benefit of all the states in just proportions, and cannot be appropriated to the use and benefit of any particular state, to the exclusion of the others, without an infringement of the principles upon which cessions from states were expressly made, and a violation of the spirit of our national compact, as well as the principles of justice and sound policy." They also agree perfectly in opinion with the sentiment expressed by the legislature of New Hampshire. "That those states for whose benefit such appropriations have not yet been made, will not be true to themselves, if they do not make known to congress, who alone possess the power to make them, their request for such appropriations, not as a matter of fa-

vor, but of right." They therefore, respectfully recommend the adoption of the following resolutions:

*Resolved by the General Assembly of North Carolina*, That each of the United States has an equal right to participate in the benefit of the public lands as the common property of the Union; and that the states in whose favor Congress has not made appropriations of land for the purposes of education, are entitled to such appropriations as will be in just proportion with those already made in favor of other states, and in accordance with the principle upon which cessions have been made by states to the United States.

*Resolved*, That his excellency the Governor, be requested to transmit copies of the foregoing report and resolution to each of our senators and representatives in congress, with a request that they will lay the same before their respective houses, and use their endeavors to procure the passage of an act to carry into effect the just principles therein set forth.

*Resolved*, That his excellency the Governor, be also requested to transmit copies of the said report and resolutions to the Governors of the several states of the Union, with a request that they will communicate the same to their respective legislatures, and solicit their co-operation.

All which is respectfully submitted.

SAMUEL HILLMAN, *Chairman.*

STATE OF SOUTH CAROLINA.

*Executive Department,*

*Charleston, April 13, 1822.*

SIR: Pursuant to the second resolution hereto annexed, and for the purpose therein stated, I transmit to you the enclosed report and resolutions upon the amendment of the constitution of the United States, proposed by the state of Pennsylvania.

I have the honor to be,

Your obedient servant,

THO: BENNETT.

His Excellency,

The GOVERNOR of the state of Pennsylvania.

*"In the House of Representatives, December 11, 1821.*

"The special committee, to whom were referred the resolutions from the several states of Pennsylvania, Ohio, New Jersey, Vermont and Illinois, beg leave to report, that they have had the same under their consideration, and find that the state of Pennsylvania, by its resolution, has proposed an amendment to the constitution, in the words following, to wit: That "congress shall make no law to erect or incorporate any bank, or other monied institution, except within the District of Columbia; and every bank or other monied institution, which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the District of Columbia."

in which that state requests the concurrence of her sister states; that the states of Ohio and Illinois have concurred with Pennsylvania in the proposed amendment; and, that the state of Vermont and New Jersey have disagreed thereto. Your committee are unanimously of opinion, that as congress is constitutionally vested with the right to incorporate a bank, it would be unwise and impolitic to restrict its operations within such narrow limits as the District of Columbia. They apprehend no danger from the exercise of the powers, which the people of the United States have confided to congress; but believe that in the exercise of these powers, that body will render them subservient to the great purposes of our national compact. Your committee, therefore, beg leave to recommend to this house the following resolutions:

*"Resolved,* That the legislature of the state of South Carolina, do not concur in the amendment of the constitution, proposed by Pennsylvania in the following words: "Congress shall make no law to erect or incorporate any bank, or other monied institution, except within the District of Columbia; and every bank, or other monied institution which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the district of Columbia."

*"Resolved,* That the Governor of this state, be requested to transmit copies of the foregoing resolution, to the executives of the several states, with a request that they lay the same before the legislatures thereof.

*"Resolved,* That the house do agree to the report. Ordered, that it be sent to the senate for concurrence."

*By order of the House.*

R. ANDERSON, C. H. R.

*In the Senate, December 12, 1821.*

*"Resolved,* That this house do concur with the house of representatives, in the foregoing report. Ordered that the report be returned to the house of representatives."

*By order of the Senate.*

WM. D. MARTIN, C. S.

EXECUTIVE OFFICE,

Columbus, Ohio, February 4, 1822.

SIR: I have the honor to inform you, that in obedience to a resolution of the legislature of this state, authorising the governor "to exchange Hough and Bourn's map of Ohio with the governors of other states for maps of their respective states," I have caused to be deposited with Messrs. Barr & Welsh, of Baltimore, one of the maps of Ohio, subject to your order.

I am, with great respect,

Your most obedient.

ALLEN TRIMBLE,

*Acting Governor of Ohio.*

*Statement of the Columbia Pennsylvania Bridge Company.*

November 28, 1822.

**DEBTOR.**

To capital stock,	\$ 316,000 00
To notes in circulation,	4,004 67
To dividends undemanded,	2,523 00
	<hr/>
	\$322,527 67

**CREDIT.**

By notes and bonds,	\$77,508 97
By cash on hand,	13,102 33
By cash paid United States 6 per cent. stock,	45,894 22
By cost of bridge,	251,922 97
By real estate,	14,840 00
By stock unsettled,	4,084 00
	<hr/>
	\$387,352 49

The above statement was handed to us by William M'Knight, Esquire, treasurer of the company.

SIR: The undersigned, agent for the commonwealth, and the committee on the part of the managers, submit to his excellency, the Governor, the above statement of the affairs of "the company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia." The undersigned cannot but press upon the attention of your excellency, the importance of giving such employment to the funds now in the coffers of the company, as will afford a profit on the amount which the state has invested. To incorporate the company as a banking institution, would not only prevent the collision of interest which has arisen between the stockholders who first subscribed, and those who subscribed on the condition that the surplus funds should be appropriated to banking purposes, but would advance the stock from its present reduced price in the market to its par value. From the commercial situation of Columbia, the prosperous state of the company's funds, and the sentiment in favor of the necessity of investing this institution with banking powers, the undersigned would infer that there can be little doubt that if incorporated, this company would sustain the high credit it has always possessed, and again, as formerly, make the dividend of profit more than six per cent. All of which is respectfully submitted, by

Your Excellency's

Humble servants,

BENJAMIN OBER, *Agent*.

B. GRIMLER,

HENRY KEFFER, } Committee.

His Excellency,

JOSEPH HIESTER, Governor of Pennsylvania.

Ordered to lie on the table.

On motion of Mr. Wurts and Mr. Robertson,

*Ordered*, That all petitions for the renewal of bank charters, presented at the present session, and not otherwise disposed of, be referred to the committee on banks.

Mr. Wurts, from the committee on education, reported a bill No. 7, entitled "An act to provide more effectually for the education of the poor, gratis," which was read the first time.

Mr. Markley, from the committee on the judiciary, to whom was referred the petition of D. W. Huling, president of the Harrisburg and Millerstown turnpike road company, made report,

Which was read as follows, to wit:

The committee on the judiciary system, to whom was referred the petition and representation of the president and managers of the Harrisburg and Millerstown turnpike road company, report, that they have considered the nature of the difficulties and grievances under which the company labor; and are of opinion, that the controversy in which the company is involved, is altogether of a legal character; and more properly a subject, the decision of which ought to be submitted to the consideration of a judicial tribunal. The committee are decidedly of opinion, that the interposition of the Legislature ought to be uniformly refused on questions of a legal nature; as it would be an improper interference of the Legislature with the judiciary, two important branches of the government, which ought to be kept as far as practicable, separate and independent of each other; and which, if countenanced by the Legislature, would have a tendency of opening the door to numerous applications, for the adjustment of legal disputes; the decision of which ought to be exclusively confined to judicial authority.

*Resolved*, That the committee on the judiciary system, be discharged from the further consideration of the subject.

On motion,

Said report was again read, and the resolution thereto attached, considered and adopted.

On motion of Mr. Hill and Mr. Orr,

*Ordered*, That an item of unfinished business, on the Journal of the last session, relative to the power of making appointments to office by the Governor, be referred to Messrs. Hill, Duncan, Mahon, Orr and Mann, with leave to report by bill or otherwise.

On motion of Mr. St. Clair and Mr. Dickerson,

*Ordered*, That an item of unfinished business, on the Journal of the last session, relative to a renewal of the charter of the Monongahela Bank of Brownsville, be referred to the committee on banks.

Mr. W. R. Smith, obtained leave to withdraw from the files of the present session, the documents accompanying the petition of D. W. Huling, president of the Harrisburg and Millerstown turnpike road company.

On motion of Mr. Duncan and Mr. Kelton,

The resolution read yesterday, relative to the procuring of



YEAS.  
Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Duncan,  
Feger,  
Henderson,  
Hill,

## NAYS.

Messrs. Brewster,  
Dickerson,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Mann,

YEAS.  
Messrs. Kelton,  
Markley,  
Orr,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts.—14

## NAYS.

Messrs. M'Meens,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—13

So it was determined in the affirmative.

**Ordered,** That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The House resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill No. 2, entitled "An act releasing to Jean Barnard and Marie his wife, late Marie Joseph, the right of this Commonwealth, to a certain escheated estate."

And after some time, the committee rose, reported progress, and asked leave to sit again on Thursday, the 19th instant.

Adjourned until 11 o'clock, to-morrow morning.

## Friday, December 13, 1822.

Mr. Fry presented seven petitions, of similar tenor, from a number of the inhabitants of Lehigh, Northampton and Luzerne counties, praying that a state road may be laid out, from the borough of Northampton, in the county of Lehigh, through Solomon's Gap, to the town of Wilkesbarre.

Mr. Brewster presented three petitions, of similar tenor, from holders of unseated lands and others, praying that a state road may be laid out, from Wilkesbarre, up Solomon's Gap, to Captain Eddy's tavern, on the Berwick and Lausanne turnpike, and that the taxes on unseated lands may be appropriated to the making of said road; and also, the aid of \$2,000 from the state;

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. M'Meens, from the committee on roads and inland navigation, to whom was referred, on the 6th instant, a petition on the subject, reported a bill, No. 9, entitled "An act to enable the Governor to incorporate a company, to make an artificial road, from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose;"

Which bill was read the first time.

Mr. Shulze, from the committee to whom was referred on the 11th instant, a petition on the subject, on leave given, reported a bill, No. 10, entitled "An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land;"

And said bill was read the first time.

The bill, No. 3, entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the west branch of Susquehanna," as reported by a committee of the whole, yesterday, was read a second time.

The sections were severally considered and agreed to.

The title being under consideration, a motion was made by Mr. M'Meens and Mr. Brewster, to amend the same, by adding to the end thereof, these words, "at or near the mouth of Anderson's creek;"

Which was agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follows, to wit:

"An act authorising the Treasurer of Indiana and Jefferson counties, to sell unseated lands for taxes."

"An act authorising a review of the road from the city of Pittsburg to Mercer."

Which bills were severally read the first time.

The deputy Secretary of the Commonwealth being introduced, presented a message and documents from the Governor, which were read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: By an act of Assembly, passed on the 23d of March, 1818, authorising the Governor to procure on loan, the sum mentioned therein, \$50,000, part thereof, was borrowed of the Bank of Philadelphia, on the 7th day of April, 1818, at an interest of five per cent. per annum, reimbursable within four years, and in such instalments as in the opinion of the Governor the finances of the state would justify.—A farther sum of \$50,000, was borrowed on the 24th day of November, in the same year, of the same bank, and on the same terms.

The interest on these loans has been regularly paid by the State Treasurer, until lately; that a difficulty has arisen between that officer and the cashier of the bank, respecting its payment. This circumstance was communicated to me by a letter from the Treasu-

rer of the State, dated on the 19th of September last, copies of which, and of the correspondence of these officers, on the subject, are herewith transmitted.

Although both these loans were made reimbursable within four years, according to the terms of the act under which they were obtained, yet it appears from the act incorporating the Bank of Philadelphia, passed on the 5th day of March, 1804, that it was bound to lend the government the sum of \$100,000, at five per cent. per annum, for any term not exceeding ten years. No application has been made by the bank to me for the payment of these loans. I think it proper to add, that the power vested in the Governor by the act of the 2d of April, 1821, to draw money from the Treasury during the recess of the Legislature, for extinguishment of debts due to the banks of the city of Philadelphia, is applicable only to the discharge of the debts bearing an interest of six per cent. and that the loan of \$400,000 authorised by the act of last session, was intended for the same object.

In making this communication to the Legislature, which contains all the facts and information which I possess on the subject, I would submit for their consideration, the propriety of providing by law for the renewal of these loans, if such an act be deemed necessary.

JOSEPH HESTER.

December 13, 1822.

*Treasury Office, September 19, 1822.*

SIR: Permit me to lay before you the correspondence that has taken place between myself and the cashier of the Philadelphia bank, respecting the interest on a loan of \$50,000 which fell due on the 10th day of April last.

Believing it to be the province of the Chief Magistrate to take such order as he might deem fit respecting the payment of the loan, was the cause of my not presuming to pay the interest which had accrued since the term of the loan expired. Will you be pleased to communicate to me the result of your conclusions on this subject?

I am, sir, with due respect,

Your obedient servant,

WILLIAM CLARK, *Trea'r.*

His Excellency, JOSEPH HESTER,

Governor of the Commonwealth of Pennsylvania.

*Treasury Office, September 11, 1822.*

DEAR SIR: Enclosed you will receive a check on the Philadelphia bank, for four thousand two hundred and fifty dollars, being the amount of interest due by the commonwealth to said bank, on the 10th instant, on the following loans, viz. \$30,000 on the 27th November, 1818, at 5 per cent. \$50,000 on the 2d December, 1820, at 6 per cent. and \$50,000 on the 19th March, 1821, at 6

per cent. One other loan, of 50,000, was obtained of said bank, on the 10th of April, 1818, for four years, which term expired on the 10th of April last: It must therefore, be considered as a debt due by the commonwealth, and not on loan since the 10th of April last. Under these circumstances, and as at present advised, I do not consider myself authorised to pay the interest on said loan, up to the 10th instant.

Yours, most respectfully,

WILLIAM CLARK, *Treas'r.*

Q. CAMPBELL, Cashier,  
Philadelphia Bank.

*Philadelphia Bank, September 17, 1822.*

DEAR SIR: Your favor of the 11th instant, has been submitted by me to the board of directors of this bank. Six months interest on the four loans made by this bank, to the state, became due on the 10th instant: and as the whole amount thereof was embraced in the estimate of the profits accruing from the operations of this institution, for the last half year, it is with regret they learn any difficulty has presented itself to your mind, as to the payment of part of the said interest. I am requested to beg you will be so good as to give it your early attention; when it is hoped, on a further reconsideration you, will feel yourself at liberty to transmit me a check for the balance of interest to the 10th instant.

I am, most respectfully,

Your obedient servant,

Q. CAMPBELL, *Cash'r.*

WILLIAM CLARK, Esq.  
*State Treasurer.*

Ordered to lie on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill No. 6, entitled "A further supplement to the act entitled "An act authorising the Governor to incorporate a company for making an artificial road from the borough of Harrisburgh, through Lewistown and Huntingdon, to Pittsburg;" and after same time, the committee rose, reported progress, and asked leave to sit again, on Monday, the 16th instant.

Adjourned until 11 o'clock to-morrow morning.

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**Saturday, December 14, 1822.**

Mr. Robertson presented a petition, relative to the Chesapeake and Delaware canal;

Which was read, and referred to the committee on roads, bridges and inland navigation.

Mr. Robertson presented a petition from Paul Busti, agent for the Holland Land Company, praying that a law may be passed, authorising them to convey the lands of the company to aliens, or alien trustees, and such trustees to convey to other trustees;

And said petition was read, and referred to the committee on the judiciary.

The bill No. 3, entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the west branch of Susquehanna at or near the mouth of Anderson's creek,"

Was read the third time: Resolved that it pass.

*Ordered*, That the Clerk present said bill to the House of Representatives, for concurrence.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill No. 8, entitled "An act for the relief of Caspar Loeb, a soldier of the revolutionary war,"

And, after some time, the committee rose and reported said bill without amendment.

On motion,

Said bill was read a second time, considered and agreed to.

*Ordered*, That it be transcribed for a third reading.

Adjourned until 11 o'clock, Monday morning.

## Monday, December 16, 1822.

Mr. Robertson presented a petition relative to the Delaware and Chesapeake canal.

Mr. Wurts presented a petition of the same nature as the foregoing;

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. M'Meens, from the committee on roads and inland navigation, to whom was referred, on the 11th instant, a petition on the subject, reported a bill, No. 18, entitled "An act to incorporate a company to erect a rail road, from Harrisburg to Pittsburg."

The bill, No. 8, entitled "An act for the relief of Caspar Loeb, a soldier of the revolutionary war,"

Was read a third time; and resolved that it pass.

*Ordered*, That the Clerk present the same to the House of Representatives, for concurrence.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act authorising Abraham Buckman, to sell and convey a certain tract of land therein named."

"An act authorising the Secretary of the Land Office, to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

Which bills were severally read the first time.

On motion of Mr. Winter and Mr. Fry,

*Ordered*, That an item of unfinished business of last session, relative to the election of a constable, in the borough of Bethany, be referred to Messrs. Winter, St. Clair and W. B. Smith.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill No. 9, entitled "An act to enable the Governor to incorporate a company, to make an artificial road from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose."

And after some time, the committee rose and reported said bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill No. 10, entitled "An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land."

And after some time, the committee rose, reported progress, and asked leave to sit again.

And on the question,

Shall the committee have leave to sit again?

A motion was made by Mr. Duncan and Mr. Markley, that the committee be discharged from the further consideration of the bill; and that it be referred to the committee on the judiciary.

And on the question,

Will the Senate so agree?

It was determined in the affirmative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill No. 4, entitled "An act to authorise Richard B. M'Cabe, to copy and publish certain public documents."

And after some time, the committee rose, reported progress, and asked leave to sit again on Monday next, the 23d instant.

Adjourned until 11 o'clock, to-morrow morning.

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**Tuesday, December 17, 1822.**

Mr. Kelton obtained leave of absence for a few days.

Mr. Dickerson presented a petition, signed by a number of the inhabitants of Peters township, Washington county, praying that said township may be erected into an election district;

And said petition was read, and referred to the committee on election districts.

Mr. Robertson presented a petition, relative to the Delaware and Chesapeake canal;

And said petition was read and referred to the committee on roads, bridges and inland navigation.

Mr. Barnard presented a petition of the administrators of William Hawley, jr. deceased, praying that they may be authorised to sell certain real estate, situate in Chester county, the property of the testator;

And said petition was read, and referred to the committee on the judiciary system.

Mr. Eyster, from the committee on accounts, made report, as follows, to wit:

That they have examined the accounts and vouchers of Samuel Conrad, late Clerk of the Senate, relative to printers' accounts and other contingencies, paid since the 30th of March last, for which \$1,000 had been advanced to him, by warrant on the State Treasury, dated the 2d of April last, and found a balance remaining in his hands, of three hundred and ten dollars and eleven cents, which balance he has paid into the hands of the committee of accounts.

*The following is a statement of the account.*

Paid		Voucher		\$	13	02
	John Binns, for newspapers,	1				
	James Logan, do.	2		2	00	
	Johnston & Marshall, do.	3		3	00	
	Jacob Lefever, do.	4		1	00	
	Joshua Evans, do.	5		2	00	
	William Graydon, do.	6		1	00	
	Henry Petriken, do.	7		1	00	
	T. R. Gettys, do.	8		1	00	
	John Grayson, do.	9		1	00	
	George Getz, do.	10		1	00	
	J. Sullivan, do.	11		2	00	
	C. Mawry, on account balance printing for the Senate,	12		200	00	
	Joel Bailey, for cleaning and repairing stoves,	13		3	50	
	James Wright, postage,	14		24	37	
	B. Hoffman, sundries,	15		3	75	
	Hiram Blockman, coal,	16		62	50	
	L. Lewis, on account of work at Capitol during recess,	17		10	00	
	Stephen Hills, sundries furnished,	18		132	65	
	F. Zimmerman, do,	19		1	75	
	P. Lawyer, cleansing and scrubbing,	20		6	50	
	J. Shutt, two brushes,	21		1	25	
	J. Buffington, stage carriage, one box,	22		2	00	
	Ditto, do.	23		3	25	
	W. M'Gonegil, assisting to remove state library,	24		3	00	

William Shannon, sundries, paid by him;	25	2 87½
John Piffer, sawing wood, &c.	26	9 37½
John Fleck, white washing and sundries,	27	57 00
R. Dickey, services at Capitol and work during the recess, and sundries paid by him,	28	198 10

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 \$889 89

Balance paid by Samuel Conrad, in to the hands of the committee of accounts,

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 910 11

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 1000 00

CONTRA.

CR.

By warrant dated April 2d, 1822.

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 \$1000 00

Therefore submit the following resolution:

*Resolved*, That the committee of accounts pay over the above balance of three hundred and ten dollars, and eleven cents, received from Samuel Conrad, late Clerk of the Senate, to John De Pui, the present Clerk, to be applied by him towards the payment of contingent expenses of the Senate; he to account for the same in the settlement of his accounts.

On motion,

Said report and resolution were again read, considered and adopted.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

DEPARTMENT OF STATE,

*Secretary's Office, December 17, 1822.*

SIR. I take the liberty of requesting you to inform the Senate, that Mr. Bioren has forwarded to this office, eight boxes containing, by his account, thirteen hundred and fifty copies of the 6th volume of the laws of the Commonwealth, printed, bound and lettered agreeably to his contract, under two acts of Assembly, dated respectively, on the 8th of February, 1821, and the 21st of March, 1822. Two of the boxes have been opened, and the number of copies in each, has been found to correspond with his account.

It may be proper also to mention, for the information of the Senate, that there are remaining in this office, of the five volumes commonly called Smith's edition, as follows, to wit:

22 copies of the 1st Volume.

20 do. 2d do.

18 do. 3d do.

24 do. 4th do.

26 do. 5th do.

With great respect, I have the honor to be,

Your most obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, Jr. Esq.

Speaker of the Senate.

Ordered to lie on the table.



The Clerk of the House of Representatives being introduced, presented for concurrence; the bill entitled as follows:

"An act to incorporate the Musical Fund Society of Philadelphia;"

And said bill was read the first time.

Agreeably to order,

The bill, No. 9, entitled "An act to enable the Governor to incorporate a company, to make an artificial road, from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose," was read the second time, as reported by the committee of the whole, yesterday.

Section one being under consideration,

A motion was made by Mr. Brewster and Mr. R. Smith, to amend said section, by striking out all of the proviso, following the word "closed," in the 37th line;

Which was agreed to; and

The section, as amended, was then agreed to.

Section two, being under consideration,

A motion was made by Mr. W. R. Smith and Mr. Markley, to amend the said section, by striking from the second line, the word *one* and inserting *five*;

Which was agreed to,

And the section, as amended, was then agreed to.

Section three, being under consideration,

A motion was made by Mr. W. R. Smith and Mr. Duncan, to amend the said section, by inserting after the word "forfeitures," in the 16th line, these words, "*which are imposed*;"

Which was agreed to;

And the section, as amended, was then agreed to.

The title was considered and agreed to, and

**Ordered**, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee, of the whole, Mr. Groves in the chair, on bill No. 4, from the House of Representatives, entitled "An act authorising the Treasurer of Indiana and Jefferson counties, to sell unseated lands for taxes;"

And after some time, the committee rose and reported the bill without amendment.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Fry in the chair, on bill No. 1, entitled "A further supplement to an act entitled an act to raise and collect county rates and levies."

And after some time, the committee rose and reported said bill, with amendments.

Adjourned until 11 o'clock to-morrow morning.

**Wednesday, December 18, 1822.**

Mr. Barnard presented eleven petitions of similar tenor, from stockholders and citizens of Chester county, praying that an act of incorporation may be granted to the Chester and Delaware Brewing company; and

Said petitions were read, and referred to Messrs. Barnard, Henderson and Power.

Mr. Barnard presented a petition from the commissioners and others, of Chester county, praying the Legislature to pass an act authorising an adverse index to land titles to be made in the recorder's office in said county; and

Said petition was read and, referred to the committee on the judiciary system.

Mr. Wurts presented a petition relative to the Delaware and Chesapeake canal; and

Said petition was read, and referred to the committee on roads, bridges and inland navigation.

Mr. Orr presented a petition and documents from Jacob Wolf, an old soldier, praying for relief.

Mr. M'Meens presented a petition and documents from Peter Vincent, an old soldier, praying for relief; and

Said petitions were severally read, and referred to the committee on claims.

Mr. Markley, from the committee to whom had been referred, on the 16th instant, a bill, No. 10, on the subject, reported a bill No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land."

Mr. Markley, from the committee to whom had been referred, on the 18th instant, a petition on the subject, reported a bill, No. 18, entitled "An act for the relief of Wilhelm Willink, Hendrick Vollenhoven, and Rutgar Jan Shimmelpennick;"

Which bills were severally read the first time.

The bill, No. 9, entitled "An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Ow-go turnpike road, at or east of Montrose,"

Was read the third time; and

*Resolved*, That it pass.

*Ordered*, That the Clerk present said bill to the House of Representatives for their concurrence.

A motion was made by Mr. Ryster and Mr. Brewster, and read as follows, to wit:

*Resolved*, That the Speaker draw his warrant on the State Treasurer, in favor of John De Pui, Clerk of the Senate, for the further sum of nine hundred dollars, to enable him to pay future contingent expenses of the Senate; he to account for the same in the settlement of his accounts.

**On motion,**

Said resolution was again read, and adopted;

And a warrant was accordingly so drawn.

A motion was made by Mr. Groves and Mr. Markley, and read as follows, to wit:

*Resolved*, That the committee on the judiciary system, be instructed to inquire into the inexpediency of extending the privileges of landlords so as to authorise them to distraint goods for rent, at any time, whenever the tenant may be about to remove from the premises, although the said tenant may not have resided thereon for three months.

Ordered to lie on the table.

The bill, No. 1, entitled "A further supplement to the act entitled "An act to raise and collect county rates and levies," was read a second time as reported by a committee of the whole, yesterday.

Sections 1 to 4, inclusive, were severally considered and adopted.

Section 5 being under consideration, and on the question, will the Senate agree to said section?

The yeas and nays were required, by Mr. Mann, and Mr. R. Smith, and are as follows, to wit:

YEAS.	YEAS.
Messrs. Barnard, Cadwallader, Coleman, Duncan, Eichelberger, Groves, Henderson,	Messrs. Markley, Orr, Power, Robertson, W. R. Smith, Winter, Wurts.—14.
NAYS.	NAYS.
Messrs. Allshouse, Brewster, Dickerson, Eyster, Fry, Hill,	Messrs. Mann, M'Veens, Shulze, R. Smith, St. Clair, Marks, speaker.—12.

So it was determined in the affirmative; and said section was then agreed to.

Section 6, being under consideration; on the question,

Will Senate agree to said section?

A motion was made by Mr. Groves and Mr. Wurts, to postpone the consideration of said section, for the purpose of introducing the following:

*SECTION 6. And be it further enacted by the authority aforesaid*, That the Treasurer within the county of Philadelphia, shall be appointed on the first Monday in January next, and thenceforward annually, in the manner, and under the same regulations, as is already provided by law; and the Treasurer in office, and whose

time would expire on the last Monday in December, shall continue to perform the duties thereof, until the said first Monday in January next ensuing.

And on the question, Will the Senate agree so to postpone?

A motion was made by Mr. Wurts and Mr. Groves, to postpone the further consideration of said section, together with the bill, until to-morrow, which was agreed to.

The bill, No. 4, from the House of Representatives, entitled "An act authorising the treasurer of Indiana and Jefferson counties to sell unseated lands for taxes," was read a third time.

Section 1 was considered and agreed to.

Section 2 being under consideration, on the question,

Will the Senate agree to said section?

A motion was made by Mr. R. Smith and Mr. Orr, to amend the said section, by inserting in the 6th line, after the word newspapers, the word "printed;" which was agreed to.

And the section as amended, was then agreed to.

The title was then considered and agreed to; and

*Ordered*, That said bill be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Barnard in the chair, on bill No. 7, entitled "An act to provide more effectually for the education of the poor gratis."

And after some time, the committee rose, reported progress, and obtained leave to sit again on to-morrow.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Feger in the chair, on bill No. 9, from the House of Representatives, entitled "An act authorising the Secretary of the Land Office, to grant a patent for a certain lot of land in the township of Huntington, in Luzerne county; and

After some time, the committee rose, reported progress, and obtained leave to sit again on Wednesday, the 25th instant.

Adjourned until 11 o'clock, to-morrow morning.

## Thursday, December 19, 1822.

Mr. Markley presented a petition from David Witmer, Jr. one of the administrators of the estate of Samuel Miller, deceased, and David Witmer, stockholders in the Columbia Bridge Company, praying that if the Legislature agree to confer banking powers on said company, the petitioners may be excluded from being stockholders, and have the liberty to withdraw their money.

And said petition was read, and referred to the committee on banks.

Mr. Groves presented a petition from the managers for the relief and employment of the poor, of the township of Germantown, in the county of Philadelphia, praying the Legislature to pass a law, declaring the inhabitants of said township, competent witnesses, in suits brought by their corporation; and that they may be authorised to bind out as apprentices, poor children, on the same terms as the managers of the Philadelphia Alms-house,

Which was read and laid on the table;

On motion of Mr. M'Meens and Mr. Power,

*Ordered*, That the letter signed Solomon Sprigman, presented on the 9th instant, be referred to the committee on accounts.

The Speaker laid before the Senate, a letter from Samuel Conrad and Francis R. Shunk, which was read as follows, to wit:

*To the honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: In compliance with the resolution of the 2d day of April, 1822, we did, on the 6th day of April, expose to public sale, the school house on the ground belonging to the Commonwealth, in the borough of Harrisburg; and sold the same, upon the conditions contained in the said resolution, for the sum of \$22 75.

We are respectfully,

SAMUEL CONRAD,

*Clerk of the Senate.*

FRANCIS R. SHUNK,

*Clerk of the House of Representatives.*

*Ordered* to be laid on the table.

Mr. Barnard read in his place, and on leave given, presented to the chair, a bill, No. 19, entitled "A supplement to the act entitled "An act to authorise the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster;"

Which bill was read the first time.

The bill, No. 4, from the House of Representatives, entitled "An act authorising the treasurer of Indiana and Jefferson counties, to sell unseated lands for taxes," was read the third time, and *Resolved* that it pass; and

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that House is requested.

On motion of Mr. Groves and Mr. Feger, the resolution instructing the committee on the judiciary system, to inquire into the expediency of extending the privileges of landlords, read yesterday, was again read, considered and agreed to.

A motion was made by Mr. M'Meens and Mr. Power, and read as follows, to wit:

"Whereas, by the 4th section of the act to raise county rates and levies, the assessors are directed, amongst other things, to take an account of and assess all single freemen, from which assessment the supervisors of roads and overseers of the poor are directed by law to assess and levy those taxes; and as a difference exists in the practice of those officers; as in some townships single freemen are taxed for road and poor tax, and in other townships, they are not: Therefore

*"Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, expressly saying whether single freemen shall or shall not be assessed for road and poor tax "

On motion,

Said resolution was again read considered and adopted.

The clerk of the House of Representatives, being introduced, informed, that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled "An act authorising the treasurer of Indiana and Jefferson counties to sell unseated lands for taxes.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Barnard in the chair, on bill No. 7 entitled "An act to provide more effectually for the education of the poor gratis;"

And after some time, the committee rose, and reported said bill with one amendment.

Adjourned until 11 o'clock, to-morrow morning.

## Friday, December 20, 1822.

Mr. Duncan presented a memorial and petition, from the president and directors of the Chesapeake and Delaware canal company, praying the Legislature to authorize a state subscription for a reasonable number of shares of the stock of said company.

And said memorial was read and referred to the committee on roads, bridges and inland navigation.

Mr. Allshouse presented a petition and documents, from William Nelson, a soldier of the revolutionary war, praying for relief;

And said petition was read and referred to the committee on claims.

Mr. Wurts presented three petitions, of similar tenor, relative to the Chesapeake and Delaware canal;

Which were read and referred to the committee on roads, bridges and inland navigation.

The Speaker laid before the Senate, a report and documents from the president and directors of the Pennsylvania Institution for the Deaf and Dumb, which were read as follows to wit:

To WILLIAM MARKS, Esq. *Speaker*  
*of the Senate of the Commonwealth of Pennsylvania.*

PHILADELPHIA, December 14, 1822.

The directors of the Pennsylvania Institution for the Deaf and Dumb, in obedience to the 7th article of the act of incorporation, have the honor herewith to transmit to you:

*First.* The treasurer's statement of the receipts and expenditures of the institution, during the current year, made up to the 17th instant, examined and approved by the committee of accounts.

*Secondly.* A list of fifty-eight pupils, now in the institution, exhibiting at one view, the recent arrangement of the classes into four, under their respective tutors; specifying the names, ages, sexes and residences of the pupils, and distinguishing those maintained and educated at the expense of the Commonwealth from those supported by their friends, or gratuitously by the institution.

From the latter document, you will perceive, that there are in the assylum, seven pupils, of whom three indigent, are provided for by the state of New Jersey, and four others, by private funds; and that there are fifty-one Pennsylvania pupils, forty-four of whom enjoy the benefit of the state bounty; namely, twenty-two males and twenty-two females. Several more have been at different times received, on trial, and dismissed for want of capacity; otherwise the number entitled to legislative provision would now be complete.

Desirous to make the whole state fund available to the benevolent and laudable objects of the grant, the directors, in June last, renewed the authority of their committee of instruction, to procure an additional teacher of suitable qualifications; and through their committee of admissions, gave notice in July last, by public advertisements, that the claims of the indigent deaf and dumb from every part of Pennsylvania, would be attended to, according to the resources of the institution. Applications have been received from the whole number entitled to participate of the state provision, some of whom have been already admitted into the youngest classes, now consisting of only eleven, and the remainder are expected daily from remote counties, to occupy the places reserved for them.

To enable the Legislature better to understand the present state of the school, and what have been for more than a year past its means of instruction, the directors here submit the following report, made to the contributors, at their annual meeting, in May last:

*To the Pennsylvania Institution for the Deaf and Dumb.*

The directors respectfully report: That since their re-appointment at the last annual meeting of the contributors, they have hap-

pily been enabled, by the application of a part of the liberal grant of the Commonwealth, and by increased individual patronage, to extend greatly the sphere of usefulness of this institution. At that period, it may be recollected, that only sixteen pupils, forming a single class, drawn chiefly from the city and county of Philadelphia, were receiving, under its care, the benefits of support and instruction. In the month of May last, an additional class of seventeen pupils, taken from various counties of the state, in compliance with the rule of apportionment for applicants, prescribed by the charter, was formed and placed under the direction of an assistant teacher, Charles Dillingham, recommended by the professors of William's College, as a gentleman of excellent talents, exemplary character, and liberal education, who had been for some years successfully employed in teaching the deaf languages; and whose mind was naturally turned towards the acquisition of the art of instructing the deaf and dumb, to which he has determined to devote his life, by the painfully interesting circumstance of several of his immediate relatives being of that unfortunate description of persons.

He took up his residence in the assylum, having in addition to his duties as a teacher, the chief charge of the male pupils out of school hours. And it is due to him to state, in conformity with the reports made to this board, at the close of the last summer, that his exertions produced a perceptible improvement in the general discipline of the school, in the arrangement and the neatness of the school room, as well as in the order and propriety observed by the scholars; and that the progress of several of his class during the first five months of his engagement, was such, as to qualify them in the month of November last, for admission into the first class, which had enjoyed the opportunity of considerably more than a year's teaching, before his entrance into the institution.

The directors here are compelled to mention, that about the beginning of the month last named, they deemed it necessary to take certain measures, which they have been obliged to make public, in consequence of a call from the House of Representatives, followed by the publication of a report not acted upon, from a committee of that house.

Merely referring you to the documents which have recently been printed for your use, they pass with satisfaction to that important era in the history of this assylum, which was marked by the engagement of *Laurens Clerc*, as its principal, and as the instructor of its first class. He commenced his invaluable services to this institution, agreeably to contract, on the 3d day of November, and shortly afterwards, brought into the assylum, his interesting family, whose presence, independently of the admirable system of instruction introduced, has had the happiest influence upon the pupils. Their intimate acquaintance with persons deprived by nature like themselves, but possessing through education, accomplished minds and manners, sympathising with them, and illustrating by tender and flattering attentions to all, the sincerity of the



sentiment continually expressed "*that the deaf and dumb throughout the world are brothers and sisters*," has not only approved all the affections of their hearts, but has elevated them to a proper and consolatory consciousness of the dignity of their own nature, softened their manners, stimulated their ambition, and opened to them brighter prospects of social and intellectual enjoyment.

Previously to the arrival of Laurent Clerc, a more commodious building than the one first occupied, had been rented on very reasonable terms, for the accommodation of a greater number of pupils; and accordingly in the month of December, a third class of twenty scholars (three of whom came from adjoining states,) comprising all the applicants from this Commonwealth, of suitable ages, whose friends thought proper to avail themselves of the Legislative bounty, was admitted and placed under the immediate charge of *Abigail Billingham*, one of the deaf and dumb sisters of the first assistant teacher, and a pupil in the first class in the Hartford assylum, strongly recommended to this institution by the principal of the Hartford school, and by Laurent Clerc, as competent to afford elementary instruction to the youngest pupils, as well as important assistance to the matron, in conducting the arduous domestic concerns of the establishment. This lady has in every respect, faithfully and satisfactorily discharged the duties assigned to her.

During the past winter, this board, through their committee of instruction, on whom devolved the duty of procuring teachers, have been anxiously inquiring for a second assistant who might be qualified by the lectures of Laurent Clerc, to take charge of a class, in the ensuing summer; but it was not until the month of March, that a suitable person could be obtained.

Abraham Hutton, a graduate of Union College, and directly recommended to this board by the professors, at Princeton, as a young gentleman of amiable disposition, pious habits and respectable literary and scientific attainments, then offered himself and was accepted as a teacher. He has since his arrival devoted all his time, and attention, both in and out of school hours, to the acquisition of the art of deaf and dumb instruction, for which in the opinion of the principal he has evinced considerable aptitude, and is already qualified to take charge of the second class.

Until very lately, the directors of this institution cherished a hope, founded on the generous disposition uniformly manifested by the directors at Hartford, that such further assistance would have been granted, as to render practicable the admission in the month of June next, of a fourth class of pupils; but it is now ascertained, that being about to admit a new class, themselves; it is not in their power, consistently with the duty they owe to their own establishment, to spare to ours at this time, the services of any of their experienced teachers. We have the pleasure, however, to state, that it is the candid opinion of our principal, that the resources of this institution, for the further instruction of all its present scholars, are ample; and that a few additional ones, may

be advantageously admitted into the third class, after such a transference is made of some of the pupils as their standing warrants, from inferior to superior places.

In a communication on the minutes of this institution, Laurent Clerc, bears testimony to the "uncommon quickness with which Charles Dillingham has understood his lectures, and has possessed himself of the greatest part of his system of instruction." He considers him to be well initiated in the science of universal grammar, as applicable to the primitive expression of signs, as well as to spoken and written language; "and has not hesitated" to recommend him as a suitable person to take charge of the first class, after his departure, expressing entire confidence in his ability to fill up the general outlines which have just been traced for him, and to attain, ere long, the complete mastery of the science and practice of his profession.

The whole number of pupils now in the institution is fifty-one (of whom forty depend upon the bounty of the commonwealth) who may continue, agreeably to the suggestion of the principal, to be divided into three classes:

The first, consisting of seventeen, under the charge of Charles Dillingham.

The second, consisting of nineteen, under the charge of Abraham Hutten.

The third, consisting of fifteen, under that of Abigail Dillingham.

In the extended acquisitions, made by all these pupils, of select and methodized signs, and of the ready and improved use of language, the anticipated results of Laurent Clerc's temporary superintendence of this institution, are most conspicuously displayed. To their other attainments, are happily added, a proper and respectful deportment towards those around them, and towards each other, together with correct moral habits, which have been sanctioned and enforced, as far as practicable, by the inculcation of the sublime trusts and simple precepts of Christianity. By pursuing the system thus auspiciously commenced, the remaining teachers will, the directors trust, be enabled at no distant period, to extend the reputation and usefulness of this infant institution, in a degree somewhat commensurate with the lively interests, so justly felt in its success throughout the community.

Adopted, at a meeting of the directors, and ordered to be submitted to the contributors, by whom it was approved and ordered to be published, May 1st, 1822.

Signed,

HENRY I. WILLIAMS, R. S.

To this report, the directors subjoin a very interesting letter, from Laurent Clerc, then principal of the institution, read to the contributors at that period. This letter, the production of a foreigner, deaf and dumb from birth, affords a most artiking proof of the excellence and efficacy of that system, by which he himself was instructed; and which by him was brought into successful

operation in this institution. It exhibits, at the same time, the candid opinion of one unquestionably qualified to judge of the competency of the remaining teachers, to conduct the school by the application of similar principles.

PHILADELPHIA, April 22, 1822.

SIR: In your letter, which I received a few days ago, you request me, first, "to express candidly to you, <sup>as</sup> chairman of the committee of instruction, my opinion of the qualifications of the remaining teachers; and secondly to point out to you what new arrangements of the classes would best promote the object of the institution." In answer to the first of these inquiries, I will tell you sir, with frankness, that I have always agreed with the principal of the American Assylum, in thinking that "no one should undertake the education of the deaf and dumb, who has not been trained to it by a long and intimate acquaintance with them; since it is necessary for a teacher, in order to become familiar with the singular peculiarities of their minds and characters, to learn all their various modes of making known their ideas, by those natural signs, which they themselves have invented; and to acquire that simplicity of thought in the communication of knowledge, to such uncultivated minds, and that versatility of manner in intercourse with them, which will be accommodated to the different aspects, under which their native genius, or acquired habits, may present themselves. In addition to all this, he should not only make himself master of that methodical system of signs, which the combined talents and experience of the European instructors, have been for years maturing; but should also know how to explain to the deaf and dumb the construction of sentences by analysing and resolving a composition into its simple parts.

How are the teachers of the deaf and dumb to become thus qualified? It must be by bringing them together, as well as the pupils, at one institution, which from its size and numbers will furnish the opportunities, and the means necessary for this purpose." Has Mr. Dillingham, in any manner, had that advantage? He certainly enjoyed it to a considerable extent, both in his daily intercourse from childhood, with several of his deaf and dumb relations, when at home, and with the pupils of this assylum, during almost a year; and this preparation has not a little contributed to the uncommon quickness with which he has understood my lectures; and has learned, within these five months, the greatest part of the system of instruction. I consider him as well initiated in the science of universal grammar, applicable to the primitive expression of signs, as well as to spoken and written language. This system, fixed in its principles and invariable in its course, is capable of being extended to the limits of human knowledge; and the information which Mr. Dillingham has collected from my lectures, aided by his own assiduity and reflection; will, I think, conduct him to its successful application. I have derived much satisfac-

tion, in examining his class, from observing the improvement of his pupils in so short a time; and his unremitting care and kind attention to the children in general, have met with my highest approbation. I therefore do not hesitate to recommend him to you, sir, as a very suitable person to take charge of my class; and I feel very confident of his ability to fill up the general outlines which I have just traced for him, and which he has committed to writing. By following with my class, after my departure, the course which I have particularly pointed out, he will not be long in reaching the complete mastery of the science and practice of his profession. The only circumstances calculated to retard his progress, are, in the first place, a want of that degree of vivacity in describing the passions, which I consider *desirable*, though by no means essential in the teachers of the Deaf and Dumb; and in the next place, that diffidence which prevents him from displaying all his real merits and qualifications in their full light. But of his capacity to afford ample useful instruction, in the various departments of knowledge to the Deaf and Dumb, I entertain no doubt.

Mr. Hutton has not had the same advantage with Mr. Dillingham; but I conceive him competent to take charge of the middle class of pupils, who, although they have learned a great deal, are not yet forward enough to require a more skilful master; and before that period arrives, it is expected that Mr. Hutton will have qualified himself in a higher degree, by constant, familiar intercourse with the deaf and dumb, which a residence under the same roof will afford him. The happy gifts he has received from nature, and among the rest, the vivacity of his mind, will enable him to advance rapidly; so that in the course of one year, he may become a good teacher: at present his signs are rather stiff; but by little and little, his hands and arms will grow more supple, and he will not be wanting in all the physical requisites of the art.

With regard to Miss Dillingham, let her remain where she is. She has a vigor of constitution, and a decision of character, which admirably qualify her to take charge of the uncultivated scholars, on their entrance into the asylum. Her hand writing is very good, and she is particularly skilful in teaching beginners how to form and join their letters. Her knowledge of common, sensible objects, and especially of the elementary books, will always make her serviceable in the institution. In relation to your second inquiry, viz: "What new arrangements of the classes would best promote the objects of the institution?" I would respectfully propose, that no alterations be made in the present organization of the classes; nor would it be advisable to invite any more scholars to come, at *this time*. From the very nature of such an establishment as yours the number of pupils must be proportioned to the number of teachers. All that the deaf and dumb are taught is thro' the medium of the *eye*, and by the constant, laborious and patient attention of the teacher. Hence it is impossible for *one instructor* successfully to take charge of more than "twenty" pupils. The size, too, of these school rooms and their accommodations, when compared with the

number of pupils, render them inconvenient, both for the teacher and the pupils: I, therefore, respectfully suggest to the committee of instruction, to suspend the admission of a class of new scholars *at present*. A few new scholars, not to exceed half a dozen, might be thrown into Miss Dillingham's class, without interfering with its progress, if some attention be paid to their instruction, out of regular school hours, by some of the most intelligent pupils of the other classes.

I am, with respect and esteem, Sir,

Your humble servant,

LAURENT CLERC.

To ROBERTS VAUX, Esq.

The directors have much pleasure in stating to you, that during the last seven months, these teachers have fully realized Mr. Clerc's expectations; and by faithful attention to their duties, have advanced their respective classes, in a manner entirely satisfactory to the board. It was, however, deemed most consistent with the interests of the institution; and was consonant, also, with the wishes of those teachers, that the place of principal in the institution, should be reserved for a gentleman of superior experience in the art of deaf and dumb instruction; and happily such a one presented himself, and was appointed about six weeks ago.

Mr. Lewis Weld, the first assistant teacher of the American asylum, at Hartford, whose important services could not be dispensed with last spring, has since been released by an unanimous resolution of the Hartford board, from his engagements there, with a view to enable him to accept the original invitation given him by this board, to occupy the situation of principal. This gentleman, liberally educated at Yale College, has been zealously and successfully employed, in teaching the deaf and dumb for the last four years and an half; and his excellent attainments in the art, in connexion with his moral character and habits of discipline, to which the directors at Hartford bear testimony, leave no room to doubt, that this institution, under his superintendence, which commenced on the 6th instant, will accomplish every reasonable wish of its patrons.

The directors are happy to add, that Mr. Weld, after a deliberate examination of the pupils, with a view of their new classification, considers their present attainments as reflecting much credit on their respective teachers.

Looking forward with deep concern, to the probable condition of the children of this establishment, after their prescribed course of elementary instruction, shall have been completed, the directors have, for a considerable time past, been endeavoring to devise means by which they may be returned to society, with some foundation laid for their future support, usefulness and happiness; and without incurring the risk of too sudden a transition from habits of mental, to those of bodily labor, by which the greater part of them are destined to be maintained. From the beginning, the girls have

always been usefully employed out of the hours of study and recreation, in all the ordinary occupations of housewifery; but until lately, it has not been in the power of this board for want of suitable workshops, to provide for a not less important object, namely, the instruction of the boys, in the use of handicraft implements, so far as it may be given without interfering with their progress in language. Among the pay pupils, there are a carpenter, a cooper, a baker, and two shoemakers, by means of whom the execution of the plan in question will be much facilitated.

The directors close this annual statement, with the following report of the committee of superintendence, on this subject, made to the board at its last meeting; believing that it will be perused by you with much interest.

The committee of superintendence respectfully report: That, in performing their duty of visiting the institution, it has given them great pleasure to witness the good order and harmony that pervade the establishment, in which not only the best understanding exists, between the teachers and matron, but they all appear to unite in exercising the greatest kindness towards the pupils, and in promoting their comfort and improvement. While the utmost attention is paid to their diet and cleanliness, it is gratifying also, to find, that no pains are spared to ameliorate their habits and manners, and to instill into their minds the principles of morality and religion. The children have been remarkably healthy, during the autumn. The few who have been otherwise, have been carefully treated by the visiting physicians of the institution, and the committee bear testimony to the unremitting attention of both those gentlemen, whenever their services have been necessary. The ladies' committee continue their attention to the institution; and the committee have witnessed their usefulness in the department which they superintend. Agreeably to the directions of the board, the committee of superintendence have taken on a lease at \$100 per annum, (to expire with that of the house) the building in the rear, and after sub-renting one room on the ground floor for \$40 per annum, have so appropriated the remainder, as to answer the object proposed. A respectable cabinet maker and carpenter will occupy one room, for the rent of which he engages to teach such of the boys, as may be placed under his care, either or both of these trades. In prosecuting the designs of the board, it has appeared desirable to your committee to consult both the inclination and capacity of the boys for the respective branches of business intended to be taught; for although the acquisition of trades may now be considered, but as a minor object, yet the early discovery of particular talent, and the formation of industrious habits, may lay the foundation for their future maintenance and usefulness.

The committee regret that the difficulty they have experienced in getting possession of the building, has so long delayed the desired experiment. They have, however, made a beginning, by employing a few lads, in cabinet-making, shoe-making, coopering, and

some will be employed at weaving, in a few days;\* a number of spinning wheels have also been procured for the girls. So far, the pupils appear to be pleased with the occupations assigned to them, which, serving in some degree, as a relaxation between the hours of study, contribute at the same time, to their health, orderly behavior, and future means of independence.

In conclusion, your committee anticipates as happy an issue to your plan, for uniting intellectual and moral improvement, with the possession of the useful arts, as the most ardent friends of the institution can desire.

Signed by order and on behalf of the board.

WILLIAM WHITE, *President.*

*Attested:*

JOHN KEATING, JUN.

*Recording Secretary, pro tem.*

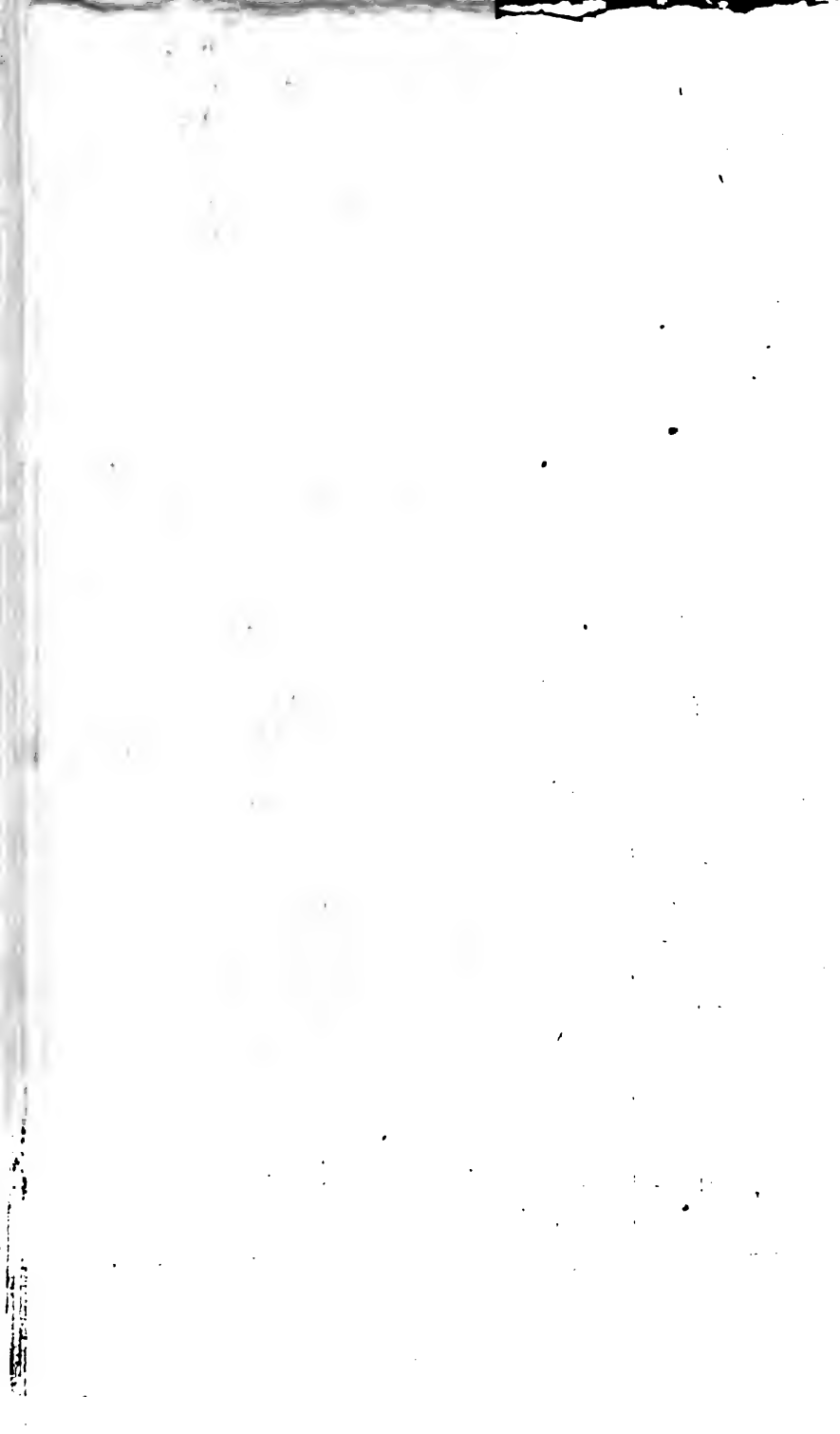
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\* Note at the date of this report three looms in operation.

, 1822, superintended by  
Matron.

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## STATEMENT OF RECEIPTS AND EXPENDITURES,

*On account of the Pennsylvania Institution for the Deaf & Dumb.*

1821.		Dr.
Dec. 22.	Balance in the hands of the treasurer,	\$ 102 18
1822.		
Dec. 17.	Cash received to this date, viz.	
	Of the Commonwealth of Pennsylvania, for board, tuition and clothing of indigent scholars, to October 1st. ult.	\$5951 95
	Cash received for board and tuition of private pay scholars,	690
	Cash received, life subscriptions,	240
	Cash received, annual contributions, of 1821,	76
	Cash, do of 1822,	432 70
	Cash, do of 1823,	350
	Cash, donations,	136 73
	Cash, interest on moneys loaned,	484 84
	Cash, in part of moneys loaned on interest, to meet expenses incurred in procuring household furniture,	1300
	Cash, for petty expenses of some of the pay pupils, refunded by their parents,	2 25
	Cash, sales of articles manufactured by the pupils,	8
		<hr/> 9602 46

E. E. Philadelphia, Dec. 18, 1822,

JOHN BACON, Treasurer.

Examined and approved,

PAUL BECK, Jun.	} Committee	
JN. VAUGHAN,		of
ALEXANDER HENRY,		Accounts.

Annexed to the report, by order of the Board of Directors,

WM. WHITE, President.

ATTESTED,

JOHN KEATING, Jun.  
Pres. Sec'ry pro. tem.

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9704 64

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1822.

Dec. 17. By cash expended to this date, on the following accounts, viz.

*Provisions, Fuel, &c.*

7199 lbs. of beef, 1381 lbs. mutton, 1274 lbs. veal, 228 lbs. lamb, 386 lbs. pork, 402½ gallons of milk, 67 bls. wheat and rye flour, 157 bushels potatoes, 31 bushels turnips, 1023 lbs. rice, 370 lbs. sugar, 239 lbs. coffee, 23½ lbs. tea, 50 galls. molasses, 36 galls. vinegar, 12½ bushels salt, 79 galls. sperm. oil, 5 bushels Indian meal, 2½ bushels of buckwheat meal, ½ bl. of mackarel, 3½ barrels table beer, 44½ cords of wood, 4½ tons of coal, poultry, vegetables, fruit, eggs, chocolate, &c. 32806 19

*Household Furniture.*

16 bedsteads, 5 feather beds, 35 mattresses, 30 pair of blankets, 15 coverlets, 62 pillows, 3 bolsters, 56 yards sheeting, 67 yards towelling, 2 stoves, 2 bureaux, 1 mahogany and 6 pine tables, 1 iron pot, 2 iron kettles, 1 skillet, 1 cake plate, 1 bread toaster, 1 copper wash kettle, 2 chamber and 4 small looking-glasses, 2 doz. knives and forks, 2 pair of shovels and tongs, 1 wash stand, 13 brass and japanned lamps and lanthorns, 72 benches, 135½ yds. carpeting, 2 wood saws, scales and weights, various cedar and tin ware, &c. 1020 89

*School Department.*

11 large slates, and framing 37 slates, 3½ doz. small slates, 1 Johnson's Dictionary, a map of Pennsylvania, a chart of the constitutions of the several states, various books, &c. engraving and printing manual alphabet, 235 97

Carried forward,

4,063 05

# THE SENATE.

19

Brought forward, 4,063 05

## *Clothing, for Indigent Pupils.*

73½ yards shirting muslins, domestic  
plaids and linsey, 7 pieces bomba-  
zettes, 243 yards of cloth, denims,  
&c. 13 shawls, 13 pair of gloves, 8  
bonnets or hats, 150 pairs of shoes,  
making 63 roundabout jackets, 44 pr.  
of pantaloons, 9 small suits, 13 vests,  
and for mending shoes, a quantity of  
thread, yarn, combs, &c. &c. 841 20

## *Salaries,*

Four teachers and matron, in full to 1st  
instant, 2134 62

## *Incidentals.*

For rent of asylum, various printing,  
commission for collecting annual con-  
tributions, wages of servants & others,  
blank account books, sweeping chim-  
nies, postages of letters, premium of  
insurance against fire, cleansing sink,  
&c. 1270 21

## *Manufacturing Department.*

Carpenters, coopers and shoemakers'  
benches and tools, 8 spinning wheels,  
1 reel, wool cards & raw materials, 119 29

## *Repairs.*

To former and present asylum, 118 23

## *Medicine.*

Since the establishment of the Insti-  
tution, 23 33

	8569 93
Balance, in the hands of the treasurer,	1134 71
	<hr/> 9704 64 <hr/>

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill No 12, from the House of Representatives, entitled "An act to incorporate the Musical Fund Society of Philadelphia;"

And after some time, the committee rose, and reported the bill with amendments.

Adjourned until 11 o'clock, to-morrow morning.

## Saturday, December 21, 1822.

Mr. Duncan asked and obtained leave of absence for Mr. Wurts, for a few days.

Mr. Duncan presented a petition, relative to the Chesapeake and Delaware canal.

Mr. Groves presented a petition of the same tenor with the foregoing;

And said petitions were read, and referred to the committee on roads, bridges and inland navigation.

Mr. Duncan presented a petition from the president, directors and company, of the bank of North America, praying for a renewal of their charter;

Which was read, and referred to the committee on banks.

Mr. Orr presented a petition from Daniel Boyles, a soldier of the revolutionary war, praying for relief;

Which was read and referred to the committee on claims.

Mr. Mahon presented a petition from the contractors of the Philadelphia and Pittsburg transporting company, praying that they may be authorised by law, to raise, by lottery, a sum of money sufficient to pay the debts of said company;

And said petition was read and referred to Messrs. Mahon, Robertson, St Clair, Brewster and Orr.

Mr. W. R. Smith presented a petition from sundry inhabitants of Huntington county, praying the appointment of commissioners to view and lay out a public road from Concord, in Franklin county, through Pollard's Gap, to Drake's ferry in Huntingdon county, and to appropriate the sum of fifteen hundred dollars, to assist in opening said road;

And said petition was read and referred to the committee on roads, bridges and inland navigation.

Mr. Brewster presented a petition from sundry inhabitants of Springville and Auburn townships, in Susquehanna county, praying that they may be formed into separate election districts; and that the election for the township of Springville, be held at the house of Leonard Baldwin, and for Auburn township, at the house of John Richy.

Mr. Brewster presented a petition from a number of the inhabitants of Springville and Auburn townships, in Susquehanna county, praying that the place of holding their elections may be changed to the house of Spencer Hickox;

And said petitions were read and referred to the committee on election districts.

On motion of Mr. Hill and Mr. Shulze, the Senate resumed the second reading and consideration of the resolution read yesterday, relative to the time at which mortgages shall cease to be a lien on real estate; and permitting satisfaction to be entered where instalments are paid on a mortgage; which was again read, considered and adopted.

The Clerk of the House of Representatives, being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act granting compensation to Josiah Lewis, for certain lands certified to Connecticut claimants, in the Seventeen Townships, in the county of Luzerne."

"An act authorizing a sale of the real estate of Jacob Miller, deceased."

"An act for the relief of Henry Stouffer, a revolutionary soldier."

"A supplement to an act entitled "An act to incorporate a company for making a turnpike road, from Butler to the Allegheny river, opposite Kittanning."

"An act for the relief of John Gregory, a soldier of the revolutionary war."

And said bills were read the first time.

A motion was made by Mr. Kyster and Mr. Fry, and read as follows, to wit:

*Resolved*, That the Speaker draw his warrant on the state Treasurer, in favor of George Hanke, for three hundred dollars, on account of his contract to print the Journal of the Senate in the German language; he to account for the same in the settlement of his accounts.

And, on motion, said resolution was again read, considered and adopted; and

A warrant was accordingly so drawn.

On motion of Mr. McMeens and Mr. Power, the amendments by the House of Representatives, to the bill entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of the Susquehanna, at or near the mouth of Anderson's creek, read yesterday, was again read; and

On the question, Will the Senate concur in the amendment?

A motion was made by Mr. Hill and Mr. St. Clair, to postpone the further consideration thereof, for the present;

Which was agreed to.

Adjourned until 11 o'clock, Monday morning.

Monday, December 23, 1822.

Mr. Groves presented the petition and memorial of sundry members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, praying that certain alterations may be made in their charter.

And said petition was read and referred to Messrs. Groves, Shulze, W. R. Smith, Duncan, and Hill.

The Speaker laid before the Senate, a letter from Robert Ralston, treasurer of the Bible Society of Philadelphia, transmitting the fourteenth annual report, which was read; and,

Ordered to lie on the table.

The Speaker laid before the Senate, a letter, from C. Gleim, proposing to print the pamphlet laws of the present and two next succeeding sessions of the Legislature, at fifty dollars per sheet; or at eleven hundred dollars, for three thousand copies of each session, including stitching

Ordered to lie on the table.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz.

"An act for the relief of Rebecca M'Fadden, widow of William M'Fadden; a revolutionary soldier."

"An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

"An act authorizing a review of part of the State road between the borough of Butler and Mercer."

And said bills were read the first time.

Mr. Eyster, from the committee on accounts, made report as follows, to wit:

That they have had submitted to them, the account of Samuel Conrad, late Clerk of the Senate, for transcribing and arranging for publication, in pursuance of a resolution of the Senate, the documents which accompanied the report of the committee on roads, bridges and inland navigation, made on the 22d of March last; and for his services, prior to the meeting of the last Legislature, after the decease of his predecessor, and from the commencement of the present session until the election of his successor, and find due to him, three hundred dollars, for those services:

Therefore, submit the following resolution:

*Resolved*, That the Speaker draw his warrant on the State Treasurer, in favor of Samuel Conrad, late Clerk of the Senate, for three hundred dollars, in full for said services.

On motion,

Said report and resolution were again read, considered and adopted;

And a warrant was accordingly so drawn.

Mr. Barnard, from the committee to whom had been referred, petitions on the subject on the 18th instant, on leave given, re-

ported a bill, No. 28, entitled "An act to incorporate the Chester and Delaware Farmers' Brewing Company," which was read the first time.

Mr. Eyster, from the committee of accounts, to whom was referred, the letter of Solomon Sprigman, submitted to the Senate, on the 9th instant, made report:

That Solomon Sprigman states, "that he was employed two years ago, to fold and stitch the Journals of the Senate, printed by William F. Buyers and John M'Farland, from whom there is now due to him, fifty-one dollars for that work; and that in consequence of the insolvency of both, he has never received payment from them;" and requests the Senate to afford him relief.

However much the committee regret the circumstances of his case, yet they are of opinion, that it would be inexpedient to grant his request; and

Therefore submit the following resolution:

*Resolved*, That the committee of accounts be discharged from any further consideration of the subject.

On motion,

Said report and resolution were again read, considered and adopted.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report; Which was read, as follows, to wit:

That in conjunction with a similar committee from the House of Representatives, they have compared, and, on this day, presented to the Governor, for his signature, the bill entitled as follows, to wit:

"An act authorizing the treasurer of Indiana and Jefferson counties, to sell unseated land for taxes."

Ordered to lie on the table.

On motion of Mr. M'Meens and Mr. Barnard, the amendments, by the House of Representatives, to bill No. 3, entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of the Susquehanna, at or near the mouth of Anderson's creek," read on the 20th instant, was again read. And, the question recurring,

Will the Senate concur in said amendment?

The yeas and nays were required, by Mr. R. Smith and Mr. Mann, and are as follows, to wit:

#### YEAS.

Messrs. Barnard,  
Brewster,  
Feger,  
Fry,  
Hill,

#### YEAS.

Messrs. Markley,  
M'Meens,  
Orr,  
St. Clair,  
Winter.—10,



**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Groves,  
Henderson,

**NAYS.**

Messrs. Mahon,  
Mann,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Marks, speaker.—16.

So it was determined in the negative. And,  
*Ordered*, That the Clerk inform the House of Representatives,  
accordingly.

Agreeably to order,

The Senate resolved itself into a committee of the whole,  
Mr. Hill in the chair, on bill No. 19, entitled "A supplement to the act, entitled "An act to authorize the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster;"

And after some time, the committee rose and reported said bill, without amendment.

On motion of Mr. Barnard and Mr. Markley,

The Senate proceeded to the second reading and consideration of said bill.

Section 1, being under consideration,

A motion was made by Mr. W. R. Smith and Mr. R. Smith, to amend said section, in the seventh line, by inserting, after the word, been, the words "elected and." And

On the question,

Will the Senate agree so to amend?

It was decided in the affirmative.

And the section, as amended, was then agreed to.

The title was considered and agreed to. And

*Ordered*, That said bill be transcribed for a third reading.

Adjourned until 11 o'clock, to-morrow morning.

**Tuesday, December 24, 1822.**

Mr. Coleman asked and obtained leave of absence for Mr. Henderson, for a few days.

Mr. Eyster asked and obtained leave of absence for a few days.

Mr. Duncan asked and obtained leave of absence, for Mr. Robertson, for a few days.

Mr. Dickerson, from the committee on claims, to whom was referred on the 20th instant, the petition of William Nelson, an old soldier, made report, which was read as follows, to wit:

That it appears, from the list of those drawing a pension under the laws of congress, that the petitioner is now drawing a pension from the Treasury of the United States. Therefore,

*Resolved*, That the committee be discharged from any further consideration of the subject.

On motion,

Said report was again read, and the resolution thereto attached, considered and adopted.

Mr. Dickerson, from the committee on claims, to whom was referred, on the 18th instant, the petition of Peter Vincent, an old soldier, made report, which was read as follows, to wit:

That, from a careful examination of the documents submitted to your committee, it appears, that the petitioner rendered a considerable service to the frontier inhabitants of Northumberland county, as a militia man, during the revolutionary war; but it does not appear, that he ever belonged to the regular service, or was a regularly enlisted soldier. Your committee would therefore, offer the following resolution:

*Resolved*, That the committee be discharged from any further consideration of the subject.

On motion,

Said report was again read, and the resolution thereto attached being under consideration,

A motion was made, by Mr. M'Meens and Mr. Brewster, to postpone the same for the present, for the purpose of introducing the following, as a substitute:

*Resolved*, That the committee on claims be instructed to report a bill, granting to Peter Vincent, an old soldier, forty dollars immediately, and an annuity of forty dollars yearly, during life. And,

On the question,

Will the Senate agree so to postpone?

A motion was made, by Mr. Mann and Mr. Markley, to postpone both the original resolution and substitute, for the present;

Which was agreed to.

Mr. M'Meens read in his place, and on leave given, presented to the chair, bill No. 32, entitled "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford turnpike road company;"

Which was read the first time.

The bill, No. 19, entitled "A supplement to the act, entitled "An act to authorize the Governor of this commonwealth to incorporate a company for building a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster,"

Was read the third time; and

*Resolved*, That it pass.

**Ordered,** That the Clerk present said bill to the House of Representatives for concurrence.

On motion of Mr. Groves and Mr. Power, the resolution relative to the preservation and repairs of the public buildings, read on the 20th instant, was again read; and the same being under consideration,

A motion was made by Mr. Groves and Mr. Brewster, to fill the blank with the sum of two hundred dollars; which was agreed to.

And the resolution, as amended, was then agreed to.

A motion was made, by Mr. Markley and Mr. Eichelberger,

That when the Senate adjourns, it will adjourn to meet on Thursday, the 26th instant, at 11 o'clock;

Which was agreed to.

On motion of Mr. Mahon and Mr. St. Clair, an item of unfinished business, on the Journal of the last session, page 206, relative to the claim of John Bell; was referred to Messrs. Mahon, Brewster and Orr.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follows, to wit:

"A supplement to the act entitled "An act providing for the inspection of spirituous liquors."

"An act for the relief of Henry Miller and David Bower, revolutionary soldiers."

"An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers."

"Resolution relative to a distribution of certain of the new maps of the state."

"Resolution relative to the fines assessed for the non-performance of militia duty, during the late war with Great Britain."

And also returned the bill entitled "An act for the relief of Casper Loeb, a soldier of the revolutionary war;" and informed that the House of Representatives have passed the same, with one amendment, in which the concurrence of the Senate is requested.

And said bills, resolutions and amendment, were read the first time.

On motion of Mr. Dickerson and Mr. Orr,

The amendment by the House of Representatives, to the bill No. 8, entitled "An act for the relief of Casper Loeb a soldier of the revolutionary war," was again read, considered and concurred in.

**Ordered,** That the Clerk inform the House of Representatives, accordingly.

The Clerk of the House of Representatives, being introduced, informed, that the House of Representatives adhere to their amendment to the bill from the Senate, entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of the river Susquehanna, at or near the mouth of Anderson's creek."

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed an act of the general assembly, entitled, "An act authorising the treasurer of Indiana and Jefferson counties, to sell unseated lands for taxes," and directed the Secretary of the Commonwealth to return it to the House of Representatives, in which it originated.

JOSEPH HIESTER.

December 23, 1822.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Mahon in the chair, on bill No. 25, from the House of Representatives entitled, "An act for the relief of John Gregory, a soldier of the revolutionary war."

And after some time, the committee rose, and reported the bill negatived. And

On the question,

Will the Senate agree to said report?

A motion was made by Mr. Barnard and Mr. Markley, to postpone the consideration of the same for the present;

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Mann in the chair, on bill No. 19, from the House of Representatives, entitled, "An act for the relief of Henry Stouffer, a revolutionary soldier."

And, after some time, the committee rose and reported said bill, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Markley in the chair, on bill No. 7, from the House of Representatives, entitled, "An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

And after some time, the committee rose and reported said bill, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Orr in the chair, on bill No. 6, from the House of Representatives, entitled "An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier."

And, after some time, the committee rose and reported said bill, without amendment.

Adjourned until 11 o'clock, on Thursday morning next.

Thursday, December 26, 1822.

Mr. Markley presented a petition from the president, managers and company of the Springhouse, Northampton town and Bethlehem turnpike road, praying for legislative aid, and for the balance of ten thousand dollars, appropriated by a former act, when seven and an half miles are finished, instead of ten, as is at present required by the act.

Mr. Hill presented a petition from a number of the inhabitants of Greene and Washington counties, praying that commissioners may be appointed to view and lay out a state road, from Greensburg through Waynesburg, to Alexandria, in Washington county.

Mr. Groves presented a petition, relative to the Chesapeake and Delaware canal.

Mr. Duncan presented two petitions, of the same tenor with the foregoing.

And said petitions were severally read and referred to the committee on roads, bridges and inland navigation.

Mr. Mahon presented a petition, from sundry inhabitants of the western part of Allen township, in Cumberland county, praying that they may be formed into a separate election district, and that their elections may be held at the house of John Meixel, in said western district.

And said petition was read, and referred to the committee on election districts.

A motion was made, by Mr. Hill and Mr. M'Meens, and read as follows, to wit:

*Resolved*, That the committee on claims, be instructed to bring in a bill, granting to Ann Maria Hubley, widow of the late Col. Frederick Hubley, eighty dollars immediately and eighty dollars per annum, during life, payable half yearly.

Ordered to lie on the table.

A motion was made, by Mr. Barnard and Mr. Markley, and read as follows, to wit:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing, by law, a remedy, by writ of *scire facias*, or in some other speedy and effectual manner, to recover legacies which, by will, are charged on and directed to be paid out of real estate.

Ordered to lie on the table.

The bill, No. 6, from the House of Representatives, entitled, "An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier," was read a second time, as reported by a committee of the whole, on the 24th instant;

And the same being under consideration,

A motion was made, by Mr. Dickerson and Mr. Allshouse, to postpone the further consideration of said bill, for the present.

Which was agreed to.

The bill, No. 7, from the House of Representatives, entitled, "An act for the relief of Margaret Patterson, widow of Alexan-

der Patterson, a captain of the revolutionary war," was read a second time, as reported by a committee of the whole, on the 24th instant, considered by section, and agreed to.

The title was then considered and agreed to. And

*Ordered*, That it be prepared for a third reading.

The bill, No. 19, from the House of Representatives, entitled "An act for the relief of Henry Stouffer, a revolutionary soldier," was read a second time, as reported by a committee of the whole, on the 24th instant.

Section 1 being under consideration,

A motion was made, by Mr. Mann and Mr. R. Smith, to amend the same, in the sixth line, by inserting, after the word dollars, these words, "payable half yearly."

Which was agreed to.

And, the section, as amended, was then agreed to.

The title was agreed to, and

*Ordered*, That said bill be prepared for a third reading.

Adjourned until 11 o'clock, to-morrow morning.

## Friday, December 27, 1822.

Mr. Brewster presented a petition, from sundry citizens of Springville and Auburn townships, Susquehanna county, relative to changing the place of holding the elections in said townships, to the house of Spencer Hickox, in Springville township;

Which was read and referred to the committee on election districts

Mr. Brewster presented three petitions of the same tenor, from sundry inhabitants of Luzerne and Susquehanna counties, relative to a turnpike road, from the Milford and Owego turnpike, to the Philadelphia and Great Bend turnpike road, west of Lackawaxen creek.

And said petitions were read and laid on the table.

Mr. W. R. Smith presented a petition from John Johnston, administrator of the Rev. James Johnston, deceased, late of Mifflin county, praying that he may be authorised, by law, to convey a certain piece of ground, to the trustees of the East Kishicoquillas congregation, in said county.

And said petition was read and referred to the committee on the judiciary.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled, "An act fixing the compensation of the inspector of staves and heading."

Which was read the first time.

Mr. M'Meens obtained leave to withdraw from the files of the Senate, the certificate of Michael Sachler, a private in Major Van Heer's troop of horse, as received from general George Washington.

The bill, No. 7, from the House of Representatives, entitled, "An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war,"

Was read a third time; And

*Resolved* that it pass.

The bill, No. 19, from the House of Representatives, entitled, "An act for the relief of Henry Stouffer, a revolutionary soldier,"

Was read a third time; And

*Resolved*, That it pass.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same: the former without and the latter with an amendments, in which the concurrence of the House of Representatives is requested.

On motion of Mr. Barnard and Mr. M'Meens, the resolution relative to issuing writs of scire facias, to recover legacies on real estate, read yesterday, was again read, considered and adopted.

A motion was made by Mr. M'Meens and Mr. Power, and read as follows, to wit:

*Resolved*, That the Door-keeper of the Senate be and he is hereby authorised to employ an additional assistant, for the remainder of the session, at a sum not exceeding seventy-five cents per day. And,

On motion,

Said resolution was again read, considered and adopted.

On motion of Mr. M'Meens and Mr. Power, the Senate again resumed the second reading and consideration of bill No. 6, from the House of Representatives, entitled, "An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier," postponed for the present, yesterday.

Section 1 recurring, and being under consideration;

On the question,

Will the Senate agree to said section?

It was determined in the affirmative.

The title was then considered and agreed to; and

*Ordered* that it be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill No. 8, from the House of Representatives, entitled "An act authorising Abraham Buckman, to sell and convey a certain tract of land therein named." And after some time, the committee rose, and reported said bill negatived.

And, on the question,

Will the Senate agree to said report?

A motion was made by Mr. Hill and Mr. Orr, to postpone the same for the present;

Which was agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Feger in the chair, on bill No. 9, from the House of Representatives, entitled "An act authorising the Secretary of the Land-office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

And after some time the committee rose, and reported said bill, with an amendment.

Adjourned until 11 o'clock, to-morrow morning.

## Saturday, December 28, 1822.

Mr. Groves presented a memorial from sundry citizens belonging to the Roman Catholic society, worshipping at the church of St. Mary's, in the city of Philadelphia, remonstrating against any alterations being made in their charter.

And said memorial was read and referred to the committee who have that subject under consideration.

The bill, No. 6, from the House of Representatives, entitled, "An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier," was read a third time. And,

On the question,

Shall said bill pass?

A motion was made, by Mr. Dickerson and Mr. Winter, to postpone the further consideration of said bill, for the present;

Which was agreed to.

A motion was made, by Mr. Barnard and Mr. Brewster, and read as follows, to wit:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing, by law, the distinction between joint and several obligations, to be hereafter given, and that, in future, all such obligations shall be considered as several; and also, of prescribing the form of proceeding therein, where one of the obligors is deceased. And,

On motion,

Said resolution was read a second time and adopted.

The bill, No. 9, from the House of Representatives, entitled, "An act authorising the Secretary of the Land-office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county, was read the second time, as reported by a committee of the whole, yesterday, considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

The Clerk of the House of Representatives being introduced, informed, that the House of Representatives, have concurred in the amendment by the Senate to the bill entitled, "An act for the relief of Henry Stouffer, a revolutionary soldier"

Adjourned until 11 o'clock, on Monday morning next.



**Monday, December 30, 1822.**

Mr. Markley presented a petition and documents from William Ottinger, of Montgomery county, praying for a divorce from the bonds of matrimony.

And said petition was read and referred to Messrs. Markley, Feger and Hill.

Bill, No. 9, from the House of Representatives, entitled, "An act authorising the Secretary of the Land-office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

Was read a third time; And

On the question,

Shall said bill pass?

A motion was made by Mr. Brewster and Mr. M'Meens, to amend the first section in the fourteenth line, by striking out the word "other," and inserting, after the word persons, the word "whatever;"

Which was agreed to.

And said bill, as amended, was then agreed to.

*Ordered*, That the Clerk return said bill, to the House of Representatives, with information that the Senate have passed the same, with amendments; in which the concurrence of that house is requested.

Mr. Barnard read, in his place, and, on leave given, presented to the chair, a bill. No. 38, entitled "A further supplement to the act, entitled "An act directing the descent of intestates' real estates, and the distribution of their personal estates, and for other purposes therein mentioned."

And said bill was read the first time.

The Clerk of the House of Representatives being introduced, presented for concurrence the bill entitled, "A supplement to an act, entitled "An act to incorporate a company for making a turn-pike road from Butler to Franklin;"

Which was read the first time.

A motion was made, by Mr. M'Meens and Mr. Power to resume the consideration of the amendments by the House of Representatives, to bill, No. 3, entitled "An act for the relief of the contractors for building the Conemaugh bridge, and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek." And

On the question,

Will the Senate proceed to the consideration of said amendments?

The yeas and nays were required, by Mr. Dickerson and Mr. M'Meens, and are as follow, to wit:

# THE SENATE.

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## YEAS.

Messrs. Barnard,  
Brewster,  
Fry,  
Hill,  
Markley,  
M'Meens,

## NAYS.

Messrs. Allshouse,  
Cadwallader,  
Dickerson,  
Eichelberger,  
Feger,

## YEAS.

Messrs. Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—11.

## NAYS.

Messrs. Groves,  
Mahon,  
Mann,  
R. Smith,  
W. R. Smith.—10.

So it was determined in the affirmative.

A motion was made, by Mr. M'Meens and Mr. Barnard, that the Senate recede from their non-concurrence.

(On the question, will the Senate so recede?)

The yeas and nays were required, by Mr. Dickerson and Mr. Winter, and are as follow, to wit:

## YEAS.

Messrs. Barnard,  
Brewster,  
Fry,  
Hill,

## NAYS.

Messrs. Allshouse,  
Cadwallader,  
Dickerson,  
Eichelberger,  
Feger,  
Groves,  
Mahon,

## YEAS.

Messrs. Markley,  
M'Meens,  
St. Clair,  
Winter.—8.

## NAYS.

Messrs. Mann,  
Power,  
Shulze,  
R. Smith,  
W. R. Smith,  
Marks, speaker.—13.

So it was determined in the negative; And,

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Power in the chair, on bill No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen to sell a certain tract of land;"

And after some time, the committee rose and reported said bill, with amendments.

Adjourned until 11 o'clock, to-morrow morning.

**Tuesday, December 31, 1822.**

Mr. Cadwallader presented two petitions of the same tenor, from sundry inhabitants of Bucks county, praying for certain alterations in the law regulating fisheries in the river Delaware.

And said petitions were read and referred to Messrs. Cadwallader, Winter and Wurts.

The Speaker laid before the Senate a book presented by the author, entitled, *'The New Olive Branch; or an attempt to establish an identity of interest, between Agriculture, Manufactures, and Commerce; and to prove that a large portion of the manufacturing industry of this nation has been sacrificed to commerce; and that commerce has suffered by this policy, nearly as much as manufactures'* By M. Carey.

Mr. Markley, from the committee to whom had been referred, a petition on the subject, on leave given. reported a bill, No. 40, entitled "An act to annul the marriage of William Ottinger and Mary his wife;"

Which was read the first time.

A motion was made, by Mr. Groves and Mr. Mann, that when the Senate adjourns, it will adjourn until 11 o'clock on Thursday morning;

Which was agreed to.

The bill, No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen to sell a certain tract of land," was read a second time, as reported by a committee of the whole yesterday.

Section 1, being under consideration,

A motion was made by Mr. Markley and Mr. W. R. Smith, to amend the same, by adding to the end thereof, the following proviso, to wit: "*Provided*, that William Boal and Robert Geddis, shall first enter into a recognizance, in the orphans' court of the counties of Dauphin and Lebanon, with sufficient sureties to the satisfaction of the said courts, conditioned for the faithful exercise of their power; and that the proceeds of the sale hereby authorised, shall be applied and disposed of according to the last wills and testaments of the said Thomas and Mary M'Allen. And provided also, that nothing herein contained shall be so construed as to affect the rights of any other individual or individuals."

On the question,

Will the Senate agree to said amendment?

It was determined in the affirmative.

A motion was made by Mr. R. Smith and Mr. Markley, further to amend said section, by adding to the end of the sixth line, the words "or the survivor of them" And

On the question,

Will the Senate agree so to amend?

It was determined in the affirmative.

And the section, as amended, was then agreed to.

The title was then considered and agreed to; And

**Ordered,** That it be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled,

"An act providing for the more summary recovery of money from justices of the peace and aldermen, which they may have received in their official capacity, and for other purposes."

And said bill was read the first time.

He informed that the House of Representatives have concurred in the amendments by the Senate to the bill entitled "An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

And also informed, that the House of Representatives have appointed Messrs. Porter, Todd and Wadsworth, a committee of conference, to confer with a similar committee of the Senate (if the Senate should appoint such committee) upon the subject of the amendment to the bill entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek."

On motion of Mr. M'Meens and Mr. Brewster,

Messrs. W. R. Smith, Mann and Power were appointed a committee, to confer with the aforementioned committee, on the subject of said amendments. And,

**Ordered,** That the Clerk inform the House of Representatives, accordingly.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill No. 35, entitled "A supplement to the act entitled "An act providing for the inspection of spiritous liquors."

And after some time, the committee rose and reported said bill, with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill No. 32, entitled "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford turnpike road companies."

And after some time, the committee rose and obtained leave to sit again on Saturday, the 4th January.

Adjourned until 11 o'clock, on Thursday morning.

Thursday, January 2, 1828.

Mr. Markley presented two petitions of similar tenor, from the president and directors, and sundry citizens of Montgomery county, praying for an extension of the charter of the bank of Montgomery county.

And said petitions were read and referred to the committee on banks.

Mr. Barnard presented a petition from Elizabeth Smith, of Chester county, praying for a divorce from the bonds of matrimony.

And said petition was read and referred to Messrs. Barnard, Coleman and Dickerson.

Mr. Winter, from the committee to compare bills and present them to the Governor for signature, made report, which was read as follows, to wit:

That, in conjunction with a similar committee from the House of Representatives, they have compared the following bills, viz.

"An act for the relief of Casper Loeb, a soldier of the revolutionary war."

"An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

"An act for the relief of Henry Stauffer, a revolutionary soldier."

"An act authorising the secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

That they have, upon this morning, taken the said bills to the residence of the Governor, in order to present them to him for his approbation; that they were informed that he left Harrisburg last Tuesday week, for Reading, and had not returned; that they were likewise informed, by the Secretary of the Commonwealth, that the Governor had not returned to the seat of government.

Ordered to lie on the table.

The Clerk of the House of Representatives, being introduced, returned the bill entitled, "A supplement to the act entitled "An act to authorise the governor of this commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Calla Ferry, in the county of Lancaster." And informed, that the House of Representatives have passed the same without amendment.

The bill, No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen to sell a certain tract of land," was read the third time. And,

On the question,

Shall the bill pass?

The yeas and nays were required by Mr. Duncan and Mr. Markley, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Eichelberger  
Feger,  
Fry,  
Goves,  
Hill,  
Mann,

**NAYS.**

Messrs. Cadwallader,  
Coleman,

**YEAS.**

Messrs. Marklev,  
M'Means,  
Power,  
Shulze,  
R. Smith,  
W. R. Smith,  
Winter,  
Marks, speaker.—17.

**NAYS.**

Messrs. Dickerson,  
Duncan.—4.

So it was determined in the affirmative. And,

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

A motion was made, by Mr. W. R. Smith and Mr. Eichelberger, and read as follows, to wit:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met*, That a committee be appointed in Senate, in conjunction with a committee of the House of Representatives, if they shall think proper so to appoint, whose duty it shall be, to take such measures, relative to the copper-plates of the state map of Pennsylvania, and the printed maps of the state, now in the hands of the representatives of the late John Melish, deceased, as the circumstances of the case may require.

*Ordered* to lie on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill No. 17, from the House of Representatives entitled "An act authorising a sale of the real estate of Jacob Miller, deceased."

And after some time, the committee rose and reported said bill, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill No. 40, from the House of Representatives, entitled "An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday the 6th instant.

Adjourned until 11 o'clock, to-morrow morning.

Friday, January 3, 1823.

Mr. Winter asked and obtained leave of absence, for Mr. Fry, for a few days.

Mr. Duncan presented a petition, relative to the Chesapeake and Delaware canal; which was read and referred to the committee on roads, bridges and inland navigation.

Mr. Duncan presented to the chair, an abstract of the accounts of the Germantown and Perkiomen Turnpike Road Company, for the year 1822; which was read as follows, to wit:

Capital stock, divided in shares of \$100 each,	\$28,000 00
Received up to May 6, tolls,	12,042 53
Fines,	16
Interest,	52 02
	<hr/> 12,110 55
up to Nov. 4, tolls,	7,464 03
Interest,	33 97
	<hr/> 7,498 00
	<hr/> 19,608 55
Expenses for repairs, salaries, &c.	
up to May 6,	5,247 06
up to Nov. 4,	4,483 11
	<hr/> 9,730 17
Dividends, declared, May 6,	
two per cent.	5,700 00
Dividends, declared November 4, 1½ per cent.	4,275 00
	<hr/> 9,975 00
	<hr/> 19,705 17

Errors excepted.

SAMUEL HARVEY, *Treas'r.*

*Philadelphia, November 4, 1822.*

Laid on the table.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"A supplement to an act entitled "An act declaring Wysox creek, from the mouth thereof, to Jacob Myer's mill-dam, in the county of Luzerne, a public stream or highway."

"An act authorising John Rupley to sell certain real estate, the property of Martin and Sarah Houser, minors."

"An act authorising Walter Oliver to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor."

"An act granting compensation to Adam Koch, for a tract of donation land."

Which bills were read the first time.

On motion of Mr. W. R. Smith and Mr. Winter, the Senate resumed the second reading and consideration of the resolution

read yesterday, relative to the plates and maps belonging to the state, in the hands of the representatives of the late John Melish.

The same being under consideration,

A motion was made by Mr. Brewster and Mr. St. Clair, to amend the same to read as follows, to wit:

*Resolved.* That a committee be appointed, on behalf of the Senate, in conjunction with a similar committee of the House of Representatives, if they shall think proper so to appoint, whose duty it shall be, to take such measures, relative to the copper-plates of the state map of Pennsylvania, and the printed maps of the state, now in the hands of the representatives of the late John Melish, deceased, as the circumstances of the case may require."

Which was agreed to.

And the resolution, as amended, was then agreed to.

*Ordered*, that Messrs. W. R. Smith, Brewster and St. Clair, be a committee for said purpose.

*Ordered*, that the Clerk inform the House of Representatives accordingly.

The bill, No. 17, from the House of Representatives, entitled "An act authorising a sale of the real estate of Jacob Miller, deceased," was read a second time, as reported by a committee of the whole yesterday.

Section 1, being under consideration,

On the question,

Will the Senate agree to said section?

It was determined in the negative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill No. 47, from the House of Representatives, entitled "An act fixing the compensation of the inspector of staves and heading."

And after some time the committee rose and reported said bill, without amendment.

Adjourned, until 11 o'clock, to-morrow morning.

## Saturday, January 4, 1823.

Mr. Power presented a petition from a number of the inhabitants of Venango county, praying the Legislature to pass a law reducing the number of shares required to be subscribed by the act of incorporation, for making a turnpike road from Butler to Franklin, from seven hundred and fifty to four hundred shares; and otherwise to grant such aid as may be deemed expedient.

And said petition was read and laid on the table.

The Speaker laid before the Senate a letter from William F. Geddes, proposing to print the pamphlet laws of the present and



two next succeeding sessions of the Legislature, at forty dollars per sheet; or at nine hundred dollars for three thousand copies, of each session, exclusive of stitching. And,

On motion,

Said letter, together with all others on the same subject, heretofore presented, were referred to Messrs. M'Leens, Duncan and Dickerson

Mr Markley, from the committee on the judiciary system, reported a bill, No. 46. "A further supplement to the act entitled "An act concerning divorces."

Which was read the first time.

Mr Henderson, from the committee to compare bills and present them to the Governor for his signature, reported:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor, for his signature, the bills entitled as follows, to wit.

"An act entitled " An act for the relief of Casper Loeb, a soldier o' the revolutionary war "

"An act entitled "An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war,"

"An act entitled "An act for the relief of Henry Stauffer, a revolutionary soldier,"

"An act entitled "An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

On motion of Mr. Barnard and Mr. Mann, the message and documents from the Governor, relative to the loans from the Philadelphia bank, received on the 13th instant, were referred to Messrs. Barnard, Cadwallader and Mann.

A motion was made, by Mr Eichelberger and Mr. Eyster, and read as follows, to wit:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania,* That the Clerk of the Senate and Clerk of the House of Representatives, be and they are hereby authorised and required, as soon as may be after the passing hereof, to sell at public sale, to the highest and best bidder, the locust posts remaining on the public ground, belonging to the Commonwealth, in or near the borough of Harrisburg; they to account for the proceeds thereof, to the next Legislature.

Ordered to lie on the table.

On motion of Mr. Eyster and Mr. Eichelberger, the following resolution was twice read, considered and adopted, to wit:

*Resolved,* That the Speaker draw his warrant on the State Treasurer, in favor of Mowry & Cameron, printers of the Journal of the Senate in the English language, for the sum of three hundred dollars: they to account for the same in the settlement of their accounts.

A warrant was accordingly so drawn.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow:

"A further supplement to the insolvent laws of this Commonwealth."

"An act for the relief of Peter Allen, a revolutionary soldier."

And said bills were read the first time.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on bill No. 45, entitled "A supplement to an act entitled "An act declaring Wysox creek, from the mouth thereof to Jacob Myer's mill-dam, in the county of Luzerne, a public stream or highway;"

And after some time the committee rose and obtained leave to sit again, on Monday the 6th instant.

The Secretary of the Commonwealth, being introduced, presented a message from the Governor, which was read, as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, viz.

"An act for the relief of Casper Loeb, a soldier of the revolutionary war."

"An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

"An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

"An act for the relief of Henry Stauffer, a revolutionary soldier."

JOSEPH HIESTER.

January 4, 1823.

Adjourned until 11 o'clock, on Monday morning next.

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**Monday, January 6, 1823.**

Mr. Markley obtained leave of absence, from to-morrow, for a few days.

Mr. Coleman presented a petition from stockholders and others of the borough of Columbia and its vicinity, praying that the Columbia Bridge Company may have banking privileges.

**Tuesday, December 31, 1822.**

Mr. Cadwallader presented two petitions of the same tenor, from sundry inhabitants of Bucks county, praying for certain alterations in the law regulating fisheries in the river Delaware.

And said petitions were read and referred to Messrs. Cadwallader, Winter and Wurts.

The Speaker laid before the Senate a book presented by the author, entitled, '*The New Olive Branch*; or an attempt to establish an identity of interest, between Agriculture, Manufactures, and Commerce; and to prove that a large portion of the manufacturing industry of this nation has been sacrificed to commerce; and that commerce has suffered by this policy, nearly as much as manufactures' By M. Carey.

Mr. Markley, from the committee to whom had been referred, a petition on the subject, on leave given. reported a bill, No. 40, entitled "An act to annul the marriage of William Ottinger and Mary his wife;"

Which was read the first time.

A motion was made, by Mr. Groves and Mr. Mann, that when the Senate adjourns, it will adjourn until 11 o'clock on Thursday morning;

Which was agreed to.

The bill, No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen to sell a certain tract of land," was read a second time, as reported by a committee of the whole yesterday.

Section 1, being under consideration,

A motion was made by Mr. Markley and Mr. W. R. Smith, to amend the same, by adding to the end thereof, the following proviso, to wit: "*Provided*, that William Boal and Robert Geddis, shall first enter into a recognizance, in the orphans' court of the counties of Dauphin and Lebanon, with sufficient sureties to the satisfaction of the said courts, conditioned for the faithful exercise of their power; and that the proceeds of the sale hereby authorised, shall be applied and disposed of according to the last wills and testaments of the said Thomas and Mary M'Allen. And provided also, that nothing herein contained shall be so construed as to affect the rights of any other individual or individuals."

On the question,

Will the Senate agree to said amendment?

It was determined in the affirmative.

A motion was made by Mr. R. Smith and Mr. Markley, further to amend said section, by adding to the end of the sixth line, the words "or the survivor of them" And

On the question,

Will the Senate agree so to amend?

It was determined in the affirmative.

And the section, as amended, was then agreed to.

The title was then considered and agreed to; And

*Ordered*, That it be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled,

"An act providing for the more summary recovery of money from justices of the peace and aldermen, which they may have received in their official capacity, and for other purposes."

And said bill was read the first time.

He informed that the House of Representatives have concurred in the amendments by the Senate to the bill entitled "An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

And also informed, that the House of Representatives have appointed Messrs. Porter, Todd and Wadsworth, a committee of conference, to confer with a similar committee of the Senate (if the Senate should appoint such committee) upon the subject of the amendment to the bill entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek."

On motion of Mr. M'Meens and Mr. Brewster,

Messrs. W. R. Smith, Mann and Power were appointed a committee, to confer with the aforementioned committee, on the subject of said amendments. And,

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill No. 35, entitled "A supplement to the act entitled "An act providing for the inspection of spiritous liquors."

And after some time, the committee rose and reported said bill, with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill No. 32, entitled "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford turnpike road companies."

And after some time, the committee rose and obtained leave to sit again on Saturday, the 4th January.

Adjourned until 11 o'clock, on Thursday morning.

**Thursday, January 2, 1823.**

Mr. Markley presented two petitions of similar tenor, from the president and directors, and sundry citizens of Montgomery county, praying for an extension of the charter of the bank of Montgomery county.

And said petitions were read and referred to the committee on banks.

Mr. Barnard presented a petition from Elizabeth Smith, of Chester county, praying for a divorce from the bonds of matrimony.

And said petition was read and referred to Messrs. Barnard, Coleman and Dickerson.

Mr. Winter, from the committee to compare bills and present them to the Governor for signature, made report, which was read as follows, to wit:

That, in conjunction with a similar committee from the House of Representatives, they have compared the following bills, viz.

"An act for the relief of Casper Lobb, a soldier of the revolutionary war."

"An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

"An act for the relief of Henry Stauffer, a revolutionary soldier."

"An act authorising the secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

That they have, upon this morning, taken the said bills to the residence of the Governor, in order to present them to him for his approbation; that they were informed that he left Harrisburg last Tuesday week, for Reading, and had not returned; that they were likewise informed, by the Secretary of the Commonwealth, that the Governor had not returned to the seat of government.

Ordered to lie on the table.

The Clerk of the House of Representatives, being introduced, returned the bill entitled, "A supplement to the act entitled "An act to authorise the governor of this commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Calls Ferry, in the county of Lancaster." And informed, that the House of Representatives have passed the same without amendment.

The bill, No. 17, entitled "An act to empower the executors of Thomas and Mary M'Allen to sell a certain tract of land," was read the third time. And,

On the question,

Shall the bill pass?

The yeas and nays were required by Mr. Duncan and Mr. Markley, and are as follow, to wit;

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Eichelberger  
Feger,  
Fry,  
Groves,  
Hill,  
Mann,

**NAYS.**

Messrs. Cadwallader,  
Coleman,

**YEAS.**

Messrs. Markley,  
M'Means,  
Power,  
Shulze,  
R. Smith,  
W. R. Smith,  
Winter,  
Marks, speaker.—17.

**NAYS.**

Messrs. Dickerson,  
Duncan.—4.

So it was determined in the affirmative. And,

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

A motion was made, by Mr. W. R. Smith and Mr. Eichelberger, and read as follows, to wit:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met*, That a committee be appointed in Senate, in conjunction with a committee of the House of Representatives, if they shall think proper so to appoint, whose duty it shall be, to take such measures, relative to the copper-plates of the state map of Pennsylvania, and the printed maps of the state, now in the hands of the representatives of the late John Melish, deceased, as the circumstances of the case may require.

*Ordered* to lie on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill No. 17, from the House of Representatives entitled "An act authorising a sale of the real estate of Jacob Miller, deceased."

And after some time, the committee rose and reported said bill, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill No. 40, from the House of Representatives, entitled "An act for the relief of Dennis Dally, Andrew Reed and Reuben Cook, revolutionary soldiers."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday the 6th instant.

Adjourned until 11 o'clock, to-morrow morning.

two next succeeding sessions of the Legislature, at forty dollars per sheet; or at nine hundred dollars for three thousand copies, of each session, exclusive of stitching. And,

On motion,

Said letter, together with all others on the same subject, heretofore presented, were referred to Messrs. M'Meens, Duncan and Dickerson

Mr Markley, from the committee on the judiciary system, reported a bill, No. 46. "A further supplement to the act entitled "An act concerning divorces."

Which was read the first time.

Mr Henderson, from the committee to compare bills and present them to the Governor for his signature, reported:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor, for his signature, the bills entitled as follows, to wit.

"An act entitled " An act for the relief of Casper Lœb, a soldier o' the revolutionary war "

"An act entitled "An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war,"

"An act entitled "An act for the relief of Henry Stauffer, a revolutionary soldier,"

"An act entitled "An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

On motion of Mr. Barnard and Mr. Mann, the message and documents from the Governor, relative to the loans from the Philadelphia bank, received on the 13th instant, were referred to Messrs. Barnard, Cadwallader and Mann.

A motion was made, by Mr Eichelberger and Mr. Eyster, and read as follows, to wit:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania,* That the Clerk of the Senate and Clerk of the House of Representatives, be and they are hereby authorised and required, as soon as may be after the passing hereof, to sell at public sale, to the highest and best bidder, the locust posts remaining on the public ground, belonging to the Commonwealth, in or near the borough of Harrisburg; they to account for the proceeds thereof, to the next Legislature.

Ordered to lie on the table.

On motion of Mr. Eyster and Mr. Eichelberger, the following resolution was twice read, considered and adopted, to wit:

*Resolved,* That the Speaker draw his warrant on the State Treasurer, in favor of Mowry & Cameron, printers of the Journal of the Senate in the English language, for the sum of three hundred dollars: they to account for the same in the settlement of their accounts.

A warrant was accordingly so drawn.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow:

"A further supplement to the insolvent laws of this Commonwealth."

"An act for the relief of Peter Allen, a revolutionary soldier."

And said bills were read the first time.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on bill No. 45, entitled "A supplement to an act entitled "An act declaring Wysox creek, from the mouth thereof to Jacob Myer's mill-dam, in the county of Luzerne, a public stream or highway;"

And after some time the committee rose and obtained leave to sit again, on Monday the 6th instant.

The Secretary of the Commonwealth, being introduced, presented a message from the Governor, which was read, as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, viz.

"An act for the relief of Casper Loeb, a soldier of the revolutionary war."

"An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war."

"An act authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntington, in Luzerne county."

"An act for the relief of Henry Stauffer, a revolutionary soldier."

JOSEPH HIESTER.

January 4, 1823.

Adjourned until 11 o'clock, on Monday morning next.

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**Monday, January 6, 1823.**

Mr. Markley obtained leave of absence, from to-morrow, for a few days.

Mr. Coleman presented a petition from stockholders and others of the borough of Columbia and its vicinity, praying that the Columbia Bridge Company may have banking privileges.



Mr. Groves presented two petitions of similar tenor, from stockholders and others of the city and county of Philadelphia, praying for a renewal of the charter of the Mechanics' Bank.

Mr. Duncan presented a memorial and petition from the president and directors of the Bank of Germantown, praying for the extension of their charter.

And said petitions were read and referred to the committee on banks.

Mr. Orr presented two petitions of similar tenor, from sundry inhabitants of the townships of Elk Creek and Pine Grove, in the county of Venango, praying for a new election district, and that their elections may be held at the house of Frederick Kahle, in Elk township, in the town of Shippenville.

And said petitions were read and referred to the committee on election districts.

Mr. Power presented a petition from a number of the inhabitants of Pittsburg and its vicinity, praying that a company may be incorporated to make a turnpike road from the south end of the Monongahela bridge, in St. Clair township, Allegheny county, to the top of Coal Hill, so as to intersect the road from Birmingham towards Brownsville, in Fayette county.

Mr. Wurts presented four petitions, of similar tenor, relative to the Chesapeake and Delaware canal.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Groves presented a petition from a number of the inhabitants of the city and county of Philadelphia, praying the Legislature to pass a law, regulating the fisheries in the river Delaware.

Mr. Wurts presented a petition of the same tenor with the foregoing;

And said petitions were read and referred to the committee who have that subject under consideration.

Mr. W. R. Smith presented a petition from the trustees of the Ebensburg academy, in the county of Cambria, praying that the trustees may be authorised to apply one thousand dollars out of their funds, to erect a suitable building;

And said petition was read and referred to the committee on education.

Mr. Wurts presented a petition and document from Dorothea Smith, administratrix of Jacob Smith, late of Germantown, praying that she may be authorised to convey certain real estate;

And said petition was read and referred to Messrs. Wurts, Eichelberger and Henderson.

Mr. Markley, from the committee on the judiciary system, to whom was referred on the 27th ultimo, a petition on the subject, made report, which was read, as follows, to wit:

That by the existing laws of the state, the legal representatives of William Hawley, deceased, can, upon application to the Orphans' court of Chester county, obtain their object in effecting a

sale of the property, without the interposition of the Legislature. The committee, therefore, submit the following resolution:

*Resolved*, That the judiciary committee be discharged from the further consideration of the subject.

Ordered to lie on the table.

Mr. Markley, from the committee on the judiciary system, to whom was referred, on the 17th ultimo, a petition on the subject, reported a bill, No. 49, entitled "An act to authorise John Johnston, administrator of the Rev. James Johnston, to convey a piece of ground."

Mr. Markley, from the committee on the judiciary system, to whom was referred on the 18th ultimo, a petition on the subject, reported a bill, No. 50, entitled "An act authorising the several recorders of this commonwealth, to make an index of the records within their respective offices."

And said bills were read the first time.

The Clerk of the House of Representatives, being introduced presented for concurrence, the bill entitled

"An act for the relief of Andrew M'Kee."

Which was read the first time.

He also presented an extract from their Journal, which was read as follows, to wit:

*"In the House of Representatives, January 6, 1823.*

On motion,

*Ordered*, That Messrs. Powel, Holgate and Clarke, be a committee, in conjunction with a similar committee, appointed by the Senate, to take such measures, relative to the copper-plates of the state map of Pennsylvania and the printed maps of the state, now in the hands of the representatives of the late John Melish, deceased, as the circumstances of the case may require."

On motion of Mr. Barnard and Mr. Mann, the Senate agreed to reconsider the vote given on the bill No. 23, on the 5d instant, entitled "An act authorising a sale of the real estate of Jacob Miller, deceased." And the question recurring,

Will the Senate agree to the first section?

A motion was made by Mr. Markley and Mr. M'McCens, to postpone the bill for the present;

Which was agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill No. 34, from the House of Representatives, entitled "An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers;"

And, after some time, the committee rose and reported said bill, with amendments.

The Secretary of the Commonwealth being introduced, presented a message and documents from the Governor, which were read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have directed to be laid before you, agreeably to the request of the Governor of the state of New Jersey, copies of two letters from him, covering a preamble and resolution adopted by the legislature of that state; together with a memorial of the directors of the Pennsylvania and New Jersey Communication Company: and also of an act, passed by the same legislature, regulating the fisheries in the river Delaware.

JOSEPH HIESTER.

*January 6th, 1823.*

STATE OF NEW JERSEY.

*Elizabethtown, December 27 1822.*

SIR: In conformity with a request of the legislature of this state, I have the honor to transmit to your excellency the enclosed resolution and preamble, together with a memorial of the directors of the Pennsylvania and New Jersey Communication Company, and to request that you will cause them to be laid before the legislature of Pennsylvania.

With the highest respect, I am, Sir,

Your obedient servant,

ISAAC H. WILLIAMSON.

His Excellency,

The GOVERNOR of the state of Pennsylvania.

STATE OF NEW JERSEY.

WHEREAS, by a convention of the states of New Jersey and Pennsylvania, held in the year seventeen hundred and eighty three, the commissioners, on behalf of each, entered into a compact, whereby the river Delaware and its waters should be and remain of common use to the two states, and that neither should be thereafter authorised to erect any improvements thereon, or divert its waters for separate use, without the consent and approbation of the other: And whereas, the said river borders on the two states, about one hundred and fifty miles, and unless each shall disregard considerations of the private local interest of her citizens, many important improvements on or over the said river may be entirely defeated, the utility of which, on the score of general policy, could not be questioned: And whereas the Legislature of this state has passed an act incorporating a company to erect a bridge from a point near Camden to Windmill Island, together with two supplements, containing also a provision that said act shall not take effect or become a law until an act of concurrent import shall be passed by the state of Pennsylvania: And whereas, the opinion of successive legislatures has been expressed from time to time for several years with more than common unanimity in favor of the passage of said acts: And whereas the two states have strong ties of mutual interest, and in a great degree

even the same interest in the growth and prosperity of Philadelphia; and it is desirable that they should always maintain the present reciprocal good feelings and desires, to meet the views of each other, more especially as to a free intercourse, therefore it is hoped that the legislature of Pennsylvania after seeing the importance which the legislature of this state have, for several years, attached to this public improvement, will, with their accustomed liberal and dignified policy, take the subject into their early consideration, and concur in the views and wishes of this state, by granting a liberal authority, to erect the said bridge, on the site aforesaid, on such terms as are usual in such corporations, and such as will encourage individuals to make the investments necessary to complete the work. Therefore,

*Resolved, by the council and general assembly of this state,* That the Governor be, and he is hereby requested to communicate this resolution and preamble, together with the memorial of the directors of the Pennsylvania and New Jersey Communication Company, to the Governor of the state of Pennsylvania, with a request that he will cause them to be laid before the legislature of that state, at an early day of their next session.

## COUNCIL CHAMBER,

November 22, 1822.

This preamble and resolution having been three times read in the council,

*Resolved,* That the same do pass.

By order of the council.

ISAAC H WILLIAMSON, *President.*

## HOUSE OF ASSEMBLY.

November 20, 1822.

This preamble and resolution having been read in the house,

*Resolved,* That the same do pass.

By order of the house.

DAVID THOMPSON, Jr. *Speaker.*

## STATE OF NEW JERSEY.

*Secretary's Office, Trenton, December 13, 1822.*

I, Daniel Coleman, Secretary of the state aforesaid, do certify the foregoing to be a true copy of a preamble and resolution adopted by the legislature of New Jersey, on the 22d ultimo, remaining on the files of this office.

[L. S.] Given under my hand and seal of office, at Trenton, the day and year abovesaid.

DANIEL COLEMAN.

## STATE OF NEW JERSEY.

I, Isaac H. Williamson, Governor of the state of New Jersey, to all to whom these presents shall come, sends *Greeting*:

Know ye, that Daniel Coleman, who has subscribed the certificate of the writing hereunto annexed, was at the time of subscribing the same, Secretary of the state aforesaid, duly appointed, and commissioned, and that full faith and credit are due and ought to be given to his official acts accordingly.

Given under my hand and the great seal of the state,  
[L. S.] at Elizabethtown, this 27th day of December, in the year of our Lord one thousand eight hundred and twenty-two.

ISAAC H. WILLIAMSON.

By the Governor:

DANIEL COLEMAN, *Secretary.*

*To the honorable the Legislative Council and General Assembly of the state of New Jersey.*

The undersigned Directors of the Pennsylvania and New Jersey Communication Company, respectfully sheweth:

That, in appreciating the value of internal improvements there can be but little doubt, that next to the natural resources of the United States, they form the greatest source of wealth that her citizens enjoy. The ascending and descending navigation of the Mississippi has brought a million of square miles within ten miles of a navigation, which conveys the produce of the country and its returns to and from every quarter of the globe. The turn-pike roads and waters made navigable from the Atlantic into the interior, have reduced the ascent of the mountains to five degrees, and opened an access to a wide extent of fertile country; whereby three-fourths of the value of transportation is saved, and without which in many cases, produce would not be worth transporting. A tract of more than thirty thousand square miles which was a short time ago a wilderness in the state of New York, has recently had the foreign commerce of all the world brought within a few miles of every inhabitant's door. In short, the improved communication, and the new facilities of performing labor, are in every part of the country so numerous and so apparent, that they flash instant conviction on the mind of every man, that internal improvements form one of the most important sources of riches and happiness which these states enjoy. These new riches, for the most part attach to the soil and the rivers, and yield a perpetual revenue. A river has often been made of more value than the whole country it waters. A section of country may be so increased in its products, by artificial improvements, that the new product will actually purchase or pay the value of the original unimproved soil every three years, and in some cases every year. Providence has left much to the inventive genius and industry of mankind in ministering to his own wants. The state of New Jersey, situated in a mean climate, between the two principal cities of the Union, with two-thirds of its outward boundary on navigable waters, contains 8,500 square miles. Its average per square mile does not equal one, and perhaps several millions of miles in the state of New

York, and other interior parts of the United States, which a short time ago produced only a few furs, the value of which might be estimated at nothing after deducting a reasonable allowance for the labor of procuring them. What but the new improvements introduced by the hand of enterprize, has done this? To facilitate communication is equivalent to lessening distance. A road or ferry which can now be travelled over in one-half the time formerly required, may be considered as reduced in length one half, for all the useful purposes of life. And we can clearly discern that the progress of intercourse with every part of this state, produces a sure and correspondent increase in the value of property. Those parts to which a communication is opened by steam boats from New York have become frequented by travellers. They have received many settlers. The circulation of money has increased, and the demand for the necessaries of life, and the use of property to produce them, have also been greatly augmented within a few years. Should a canal be completed from Philadelphia to New York, the neighboring country through which it passes must be greatly enhanced in value. The two cities must become tributary to us for the use of our soil over which to carry the canal. We may derive an important revenue from transportation. And the insurance saved against sea risk alone on the whole amount of goods transported through the state, will amount to an important revenue; add to which the advantages of an easy and cheap access to either market ourselves. Should the Camden bridge be completed, it will also improve the intercourse with a large section of this state, which must give a new value to it. Within the last seven years, the communication with that section has been facilitated by means of steam boats. The returns from the city are supposed to have increased about five fold; and yet the value of our lands is scarcely one-fourth those of Pennsylvania, at the same distance from Philadelphia. Should our intercourse with the city by means of the bridge be made easy and certain at all seasons of the year, our lands in that vicinity must be greatly increased in value, because the returns for the productions of that part of the state must also be greatly increased, and Camden will become an important manufacturing town. Besides which, a large profit may be derived to the state, or to others, from the transportation; while our citizens and the citizens of Pennsylvania who pay it, will have a deduction of fifty per cent. from what they now pay. The source of this extraordinary revenue is in the new facilities adopted for crossing the river. The present amount of crossing and transportation is ascertained to cost the public about \$66,000 a year. The ferry masters are obliged to expend all or nearly all that sum, to keep up their present establishments. But the same, or even five fold more crossing, by a bridge, may be completed for less than \$20,000, and with incomparably greater convenience and economy of time and expense to the public, and avoid the numerous exposures of life and health to which our citizens are now subjected. Thus \$40,000 per annum, or thereabouts, will inevita-

bly be saved by this simple and common method of improving our intercourse with the city, and the property and inhabitants of a great section of this state be benefitted for many succeeding generations. Notwithstanding the progress of internal improvements, has invariably marked the rise and value of property, the increase of population, of learning and improvement in every part of the United States, and are a sure presage of them all; still they have been matured against inconceivable difficulties. Every useful improvement supersedes other interests already existing, which will forever excite opposition. There is not a steam boat navigation on any river in the Union, which has not been opposed by the turnpike or other roads parallel with their waters, and by the taverns and many other local interests; and that opposition would now rejoice to see the steam boat system abolished. Can the owners of ferries avoid feeling opposed to the erection of bridges? Can a new turnpike road although it shortens a distance from ten to five miles, avoid the opposition of all the more numerous interests on the old road? These difficulties are inevitable. They call for the best talents among us. They require practical knowledge. They require invincible perseverance. In short, they require money and every qualification necessary to encounter and avert great difficulties and to advance unpopular interests. These are certainly no common acquirements among mankind. And with them all, without the fostering hand of the legislative bodies, nothing comparatively has been done, and nothing can be done. The pioneers in improvements are at their mercy. Public improvements start into existence, or are forever crushed by their acts. No other power can transport the clashing circumstances from the local scenes of contention, and try and decide the question of public good with candor and justice. No other earthly power can hear individuals on the merits of their claims, abstracted from their private interests, and weigh them in the scale of public good, of which they are the only, and ought to be the faithful, guardians.

To the honorable the Legislative Council and General Assembly of the state of New Jersey, these considerations are respectfully submitted. With them also are submitted documents and other information, shewing the advantages of the proposed Camden bridge, both to the public and to the stockholders.

The feelings of a great section of this state are deeply interested in the progress of this work. Their eye is fixed on the legislature, in the hope and expectation of some assistance to remove the opposition of private interests by securing to the state an important object while it is to be had. Banks and insurance offices may become useless, but who of us or our posterity will live to see a growing population withdraw its intercourse with the markets of the city? To their wisdom they submit their claims with the fullest confidence that the feelings, the wishes, and the interests of every important section of this state will be duly appreciated. They submit them with the confident hope of a liberal dispensa-

tion of aid, and that on their return to their constituents they may meet a cordial welcome and many of them witness a new era of local prosperity.

*Pennsylvania Directors.*

JOSEPH WHITE,  
EDWARD SMITH,  
WILLIAM DUNCAN,  
CLAYTON EARL,  
WILLIAM HEYLE.

*Jersey Directors.*

THOMAS CHAPMAN,  
ED. WOODRUFF,  
EDMOND ROUVERT,  
SAMUEL HARRIS,  
JAMES COOPER,  
JACOB EVAUL.

STATE OF NEW JERSEY.

*Elizabethtown, December 30, 1822.*

SIR: I have the honor to transmit to your excellency an attested copy of an act passed by the Legislature of this state at their last session, and to request your excellency to cause the same to be laid before the Legislature of the state of Pennsylvania.

I have the honor to be,  
With the highest respect,  
Your obedient servant,

ISAAC H. WILLIAMSON.

His Excellency,

The GOVERNOR of the state of Pennsylvania.

STATE OF NEW JERSEY.

"An act further supplementary to an act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth of November, one thousand eighth hundred and eight."

I. *Be it enacted, by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, if any person or persons whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this state, from sunset on Saturday until sunrise on Monday of each and every week, he, she or they, so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every offence: *Provided,* That nothing, in this section contained shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.

II. *And be enacted,* That if any person or persons whomsoever, shall cast, draw, or otherwise use, for the purpose of catching fish, more than one seine or net, in any one pool or fishing place in the river Delaware, within the jurisdiction of this state, on, opposite, or above the lowest or southwest end of Newbold's or Biddle's Island, from thence down as far as the concurrent jurisdiction of



this state and the state of Pennsylvania extends, more than two seines or nets, in any one pool or fishing place, within any one term of twenty-four hours, beginning at sunrise and ending on sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence. *Provided always*, That it shall and may be lawful for any person or persons, who by accident or otherwise, may be deprived of the use of the seine or net fish used in any pool or fishing place in any term of twenty-four hours, to withdraw the same and substitute another seine or net in the place of the one so withdrawn.

III. *And be it enacted*, That if any person shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton falls between the last day of May and tenth of June, and between the tenth day of June and the tenth day of July, in any year, of any net more than fifty yards in length; and above the head of Trenton falls, of any seine or net, of a larger mesh than two inches, and more than fifty yards in length, between the last day of May and the tenth day of July, in any year, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence.

IV. *And be it enacted*, That the owner or possessor of every fishery upon the river Delaware, within the jurisdiction of this state, his tenant or agent shall, before he occupies the same as a fishery, give to the clerk of the court of common pleas of the county wherein such fishery, or the greatest part thereof may be, a description in writing of his, her, or their pool or fishing place, designating the beginning and ending point, and the extent thereof on the river shore, together with the name of the township and county in which it is situated, and the number of men generally employed in fishing the same, and shall also enter into bond, with one or more sufficient sureties to the clerk of the said county and his successors in office, in the penal sum of five hundred dollars, conditioned for the payment of all fines and penalties created or given by this act, or the act or acts to which this is a supplement, that shall and may be incurred and recovered for any infraction of, or offence against, the said act or acts, committed at such fishery by his, her, or their command or permission, during his, her, or their occupying the said fishery, personally or by tenant, which said description and bond it shall be the duty of said clerk to file in his office, and give a certificate thereof to the person producing the same, on being paid fifty cents, which said bond shall be a security for all such penalties as may be recovered against the said owner or possessor, tenant or agent during the time he, she, or they may occupy the same, and in case of a recovery against such owner or possessor, tenant or agent, for any penalty given by the said act or acts, and the non-payment thereof, it shall be the duty

of the said clerk to cause the said bond, to be prosecuted to judgment, and apply the proceeds thereof to the payment or discharge of the said recovery. and if any person or persons shall fish in any fishery so entered as aforesaid, or draw, cast, or otherwise make use of any seine or net within the same, or in the said river, opposite the river shore, included within the bounds thereof, without permission in writing from him, her or them so owning, possessing and entering the same, first had and obtained, he or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every offence, to be sued for and recovered by the person or persons so owning, possessing and entering the said fishery, in any court of competent jurisdiction.

V. *And be it enacted*, That if any person or persons shall cast, draw, fish with, or otherwise make use of any seine or net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state, and the state of Pennsylvania, between the first day of April and the tenth day of July, in each and every year, without having first entered his, her, or their fishery as aforesaid, or at any place in the said river Delaware, within the jurisdiction of this state, than at, in, or opposite the shore boundaries of a pool or fishing place, described and entered in the manner prescribed in the preceding section, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence

VI. *And be it enacted*, That it shall and may be lawful for any owner or owners, possessor or possessors, of any shore on the river Delaware, within the jurisdiction of this state, below the Trenton bridge, having entered the same as a fishery and given bond in the manner prescribed by the fourth section of this act, to fish the same, in front and opposite the bounds thereof, with a sweeping or shore seine, or net, or a gilling-seine or drift-net: *Provided always*, That if he, she or they, use a gilling or drift-net, the mesh thereof shall not be larger than six inches and a half, and the said net shall not be more than sixty fathoms in length, and the boat or boats used at such gilling-seine, or drift-net fishery, shall have the name or names, and place or places of abode, of the person owning or entering the said fishery, painted in large legible capital letters on the gunwale thereof.

VII. *And be it enacted*, That if any person or persons shall be found making use of a gilling-seine or drift-net, in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, without having first entered his gilling-seine or drift-net fishery, and give bond as aforesaid, or beyond the angles of the shore boundaries of the said fisheries so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July of each and every year, he, she, or they, so offending shall forfeit

and pay the sum of two hundred and fifty dollars; together with the costs of suit, for each and every such offence:

VIII. *And be it enacted*, That the township committee of each township adjoining the said river Delaware, within the jurisdiction of this state, may every year at their first meeting, after their election, appoint one constable, of their respective townships, whose duty it shall be, having taken an oath or affirmation before a justice of the peace of the township in which he resides, that he will, without fear, favor, or affection to any, endeavor to execute this act and the act or acts to which this is a supplement, according to the true intent and meaning thereof, carefully and diligently to view and inspect the shores of the said river, and the fisheries thereon, in his township, once a week at least, between the first day of April and the tenth day of July, in each and every year, to put this act in force, and to cause all offences or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions thereof, for which service he shall be entitled to receive the sum of seventy-five cents per day, to be paid by the collector of the county in which he acts, on proving by his own oath or affirmation, before some justice of the peace, of the township, the number of days engaged in the said service.

IX. *And be it enacted*, That if any constable of any township in this state, adjoining the river Delaware, shall neglect or refuse to do and perform the duty enjoined upon him by this act or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay for every such neglect, the sum of one hundred dollars, together with the costs of suit.

X. *And be it enacted*, That if any person or persons shall by threat, menace or otherwise, attempt to deter or prevent any constable, collector, or any other person, from enforcing or carrying into effect this act, or the act or acts to which this is a supplement, or any part thereof, he or they so offending, shall forfeit and pay the sum of one hundred dollars, with costs of suit, for each and every such offence.

XI. *And be it enacted*, That it shall be the duty of the collectors of the several townships adjoining the river Delaware, within this state, to prosecute for any fines and penalties within the limits of their respective townships, under this act, or the act to which this is a supplement, which come to their knowledge, by their own view, or the information of one or more credible witnesses.

XII. *And be it enacted*, That in all and every action or suit for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting, shall or may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, and by *capias ad respondendum* or summons, in case the action is commenced in any

other court, any law, usage or custom to the contrary, notwithstanding.

XIII. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, net or other tackling, in the river Delaware, within the jurisdiction of this state, contrary to the true intent and meaning of this act, or the act or acts to which this is a supplement, he or they so offending, shall in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, or other tackling so made use of, and that it shall be the duty of all the sheriffs and constables, and may be lawful for any person or persons, to seize and secure any such boat, seine, net or other tackling as aforesaid, and immediately thereafter give information to two justices of the peace of the county where such seizure shall have been made, who are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same, in a summary manner, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale, to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

XIV. *And be it enacted*, That if any person or persons on board any such boat, or in possession of such seine, net or tackling, shall resist any officer or any other person or persons, in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of one hundred dollars together with the costs of suit, for each offence.

XV. *And be it enacted* That all and each of the penalties created, given or contained in this act, or the act to which this is a supplement, or the other supplementary acts thereto, except such as are given to the party aggrieved, shall be sued for and recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same; one half to the prosecutor or prosecutors, and the other half to the collectors of the county, for the use of the county in which such offence shall be committed.

XVI. *And be it enacted*, That the first, second and fourth sections of the act to which this is a supplement, passed the twenty-sixth of November, eighteen hundred and eight, and the act supplementary thereto, passed the twentieth of November, eighteen hundred and nine, and a supplement to the said act passed the twentieth of January eighteen hundred and fourteen, and further supplement to the said act passed the ninth of February, eighteen hundred and nineteen, and all and every part of the said acts, as come within the purview of this act, and is contrary hereto, be, and the same is hereby, repealed: *Provided*, That the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate or make void any proceedings, legally had or done or commenced under the same, but the same shall be pro-

On motion of Mr. Eichelberger and Mr. Eyster, the Senate resumed the second reading and consideration of the resolution, read on the 4th instant, relative to the locust posts remaining on the public ground. And

On the question,

Will the Senate adopt said resolution?

A motion was made by Mr. Barnard and Mr. Eichelberger, to postpone the same for the present.

Which was agreed to.

Mr. M'Meens obtained leave to withdraw from the files of the last session, the petition and documents of Martin Hart.

The bill, No. 38, entitled "A further supplement to the act entitled "An act directing the descent of intestates' real estates, distribution of their personal estates, and for other purposes therein mentioned," was read a second time as reported by a committee of the whole yesterday.

Section 1, being under consideration,

On the question,

Will the Senate agree to said section?

A motion was made by Mr. Barnard and Mr. M'Meens, to amend the same, by inserting the latter clause of the manuscript amendment, after the word "therein" in the tenth line;

Which was agreed to.

A motion was made by Mr. Barnard and Mr. W. R. Smith, to postpone the further consideration of said bill until to-morrow;

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence the bill entitled

"An act for the relief of Joseph Fox, a revolutionary soldier."

Which was read the first time.

The bill No. 40, from the House of Representatives, entitled "An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers," was read a second time, as reported by a committee of the whole yesterday.

Section 1 was considered and agreed to.

Section 2 being under consideration,

On the question,

Will the Senate agree to said section?

The yeas and nays were required by Mr. Dickerson and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Hill,  
M'Meens,

**YEAS.**

Messrs. Orr,  
Power,  
Shulze,  
St. Clair,  
Winter.—11.

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Feger,  
Groves,  
Henderson,

**NAYS.**

Messrs. Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—13.

So it was determined in the negative.

Section 3 being under consideration,

On the question,

Will the Senate agree to the same?

A motion was made by Mr. Barnard and Mr. M'Meens, to postpone said section for the purpose of introducing the following, to be called section 2. "And be it further enacted by the authority aforesaid, that the State Treasurer be and he is hereby authorised and required, to pay, immediately after the passage of this act, to Andrew Reed, of Chester county, a revolutionary soldier, a gratuity of forty dollars;" and

On the question,

Will the Senate agree so to postpone?

The yeas and nays were required by Mr. Dickerson and Mr. Barnard, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Hill,

**YEAS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker—14,

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,

**NAYS.**

Messrs. Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative; and

On the question,

Will the Senate agree to said section?

The yeas and nays were required by Mr. Dickerson and Mr. Barnard, and are as follow, to wit:

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## *YEAS.*

**Messrs.** Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Hill,

## *NAYS.*

**Messrs.** Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,

## *YEAS.*

**Messrs.** M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker—14.

## *NAYS.*

**Messrs.** Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

Section 3 recurring, and being again under consideration, was agreed to.

Section 4 being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Dickerson and Mr. M'Meens, and are as follows, to wit:

## *YEAS.*

**Messrs.** Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Hill,  
Mann,

## *NAYS.*

**Messrs.** Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Groves,

## *YEAS.*

**Messrs.** M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—14.

## *NAYS.*

**Messrs.** Henderson,  
Robertson,  
R. Smith,  
W. R. Smith.—9.

So it was determined in the affirmative.

The title was agreed to, after being amended to read as follows, to wit:

"An act for the relief of Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers;" and

*Ordered*, that said bill be prepared for a third reading.

On motion,

The rule for going into a committee of the whole, being in this case dispensed with,

The bill No. 47, from the House of Representatives, entitled "An act for the relief of Petter Allen, a revolutionary soldier," was read a second time.

Section 1 being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Mann and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Eichelberger,  
Evster,  
Feger,  
Groves,  
Hill,

**NAYS.**

Messrs. Coleman,  
Dickerson,  
Duncan,  
Henderson,  
Mann,

**YEAS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—14

**NAYS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—9.

So it was determined in the affirmative.

The title was considered and agreed to. And

*Ordered* to be prepared for a third reading.

On motion,

The rule, which prohibits the reading of bills twice on the same day being in this case dispensed with, the said bill was read the third time and passed; and

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, without amendment.

Adjourned until 11 o'clock, to-morrow morning.

**Wednesday, January 8, 1823.**

Mr. Cadwallader presented a petition from sundry citizens of Bucks county, relative to fisheries in the river Delaware;

Which was read and referred to the committee who have that subject under consideration.

Mr. Hill presented a petition from James Finlayson, of Philadelphia, praying that he may be appointed agent on behalf of the state, to dispose of, and to contract for the printing, coloring and



mounting of the state map, on the same terms as granted to the late John Melish.

And said petition was read and laid on the table.

Mr Robertson presented a petition from Henry S. Tanner, praying that he may have permission to make use of the state map recently published, to assist him in completing his American Atlas.

And said petition was read and referred to Messrs. Robertson, Barnard and Hill.

Mr. Feger presented a letter from H. W. Peterson, proposing to print the pamphlet laws of the present and two succeeding sessions, at forty dollars a sheet; or at 1,000 dollars per session, for 3000 copies.

Mr. M'Veens presented a letter from Henry Frick, proposing to print the pamphlet laws of the present and two succeeding sessions, at thirty-eight dollars per sheet; or at nine hundred per session, for 3000 copies;

And said letters were read and referred to the committee who have that subject under consideration.

Mr. Brewster presented a petition and documents from Stephen Wilson, praying compensation for a certain tract of land in Luzerne county, certified to Connecticut claimants;

And said petition was read and referred to Messrs. Brewster, Coleman and Winter.

Mr. Orr presented a petition from sundry inhabitants of Armstrong county, praying for another review of the state road from the borough of Kittanning to the mouth of Anderson's creek.

Mr. Orr presented a petition from a number of the inhabitants of Armstrong county, praying for another review of the state road from Bedford to Franklin, in Venango county;

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Wurts presented a petition from John Tessier, of the city of Baltimore, praying that his title may be confirmed to a certain tract of land in Adams county;

And said petition was read and referred to Messrs. Wurts, R. Smith and W. R. Smith.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled

"An act for the relief of Mary M'Curdy, widow of William M'Curdy, a captain in the revolutionary war."

"An act appointing commissioners to lay out a state road from Catawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes."

Which were read the first time.

The Speaker laid before the Senate, a letter and document from the State Treasurer, which were read as follows, to wit:

*Treasurer's Office, January 8, 1823.*

SIR: The enclosed document contains the information required of me, by a resolution of your honorable body on the 7th instant,

I am sir with due respect,  
Your obedient servant,

WILLIAM CLARK, *Treas'r.*

To the honorable WILLIAM MARKS,  
Speaker of the Senate of Pennsylvania.

*Statement of Loans made by the Governor, for the use of the Commonwealth of Pennsylvania.*

Date of Loan.	Name of the Bank.	When negotiated.	Amount.	Rate of Interest.	When re-in-surable.	Interest paid up to.
March 23, 1818.	Bank of Pennsylvania.	December 21, 1818.	\$50,000	6 per cent.	In four years or in Instalments as the funds of the state may justify.	December 21, 1822.
March 29, 1819.	do.	April 22, 1819.	50,000	do.	Same time.	January 1, 1823.
do.	do.	June 10, 1819.	40,000	do.	do.	do.
do.	do.	October 27, 1819.	40,000	do.	do.	do.
Dec. 22, 1819.	do.	January 3, 1820.	40,000	do.	In ten years, or sooner, as above.	do.
March 17 1820.	do.	March 21, 1820.	60,000	do.	do.	do.
March 28, 1 20.	do.	September 28, 1820.	50,000	do.	do.	do.
March 23, 1818.	Philadelphia Bank.	April 10, 1818.	50,000	5 per cent.	In four years or	April 10, 1822.
do.	do.	November 27, 1818.	50,000	do.	do.	November 27, 1822.
March 28, 1820.	do.	December 2, 1820.	50,000	6 per cent.	In ten years	September 10, 1822.
do.	do.	March 19, 1821.	50,000	do.	do.	do.
April 2, 1821.	Bank of Pennsylvania.	June 1, 1821.	500,000	5 per cent.	In twenty years	August 1, 1822.
do.	Philadelphia Bank.	do.	250,000	do.	do.	do.
do.	Bank of North America.	do.	100,000	do.	do.	do.
do.	Farmers' & Mechan's Bk.	do.	150,000	do.	do.	do.

**TREASURY OFFICE, January 3, 1823.**

In obedience to a resolution of the Honorable Senate of Pennsylvania of the 7th instant, I beg leave to submit the above statement as containing a statement of the loans made to this commonwealth now remaining unpaid: shewing the amount of each loan, from whom obtained, at what time, when payable, at what rate of interest, under what act of assembly the same was negotiated and to what day the interest thereon has been paid.

I am the Honorable Senate's, obedient servant,

**WILLIAM CLARK, Treasurer**

Which were read and referred to the committee who have that subject under consideration.

Mr. W. R. Smith, from the committee to whom was referred the resolution relative to the copper-plates of the state map, and the copies of the said map, now in the hands of the representatives of the late John Melish, deceased, report;

That the late John Melish has been fully paid the amount of his contract for engraving the copper-plates of the state map; that he was bound by his contract to deliver, for the use of the state, one hundred maps, for which he was to receive three dollars and fifty cents per map; and that fourteen only of the said maps have been delivered, although he has received part payment for the said one hundred maps.

That the late John Melish was also bound by his contract, to account for the sale and disposal of all the copies of the said map, and to render a statement of receipts and disbursements, on oath or affirmation, to the Auditor General at the end of every six months from the first publication, and that he was to be allowed a commission of thirty-three and one-third per centum on the amount of sales.

That the decease of the late John Melish, without having fulfilled the several parts of his contract, has rendered the interposition of the Legislature highly necessary. Therefore

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, that*

of the Senate and of the House of Representatives, be authorised to take charge of the copper-plates of the state map, and also of all the copies of the state map belonging to the Commonwealth, now in the hands of the representatives of John Melish, deceased, and to deposite the same in some proper place, subject to the order of the Surveyor General.

On motion, said resolution was again read; and the same being under consideration, a motion was made by Mr. Groves and Mr. Power, to fill the first blank with the names of "W. R. Smith, Jonah Brewster and John St. Clair,"

Which was agreed to.

A motion was then made by Mr. W. R. Smith and Mr. Winter, to fill the second blank with the names of "William Powel, Jacob Holgate and James Clarke."

Which was agreed to; and

On the question,

Will the Senate adopt said resolution?

A motion was made by Mr. R. Smith and Mr. Dickerson, to postpone its further consideration for the present,

Which was agreed to.

Mr. Cadwallader, from the committee to whom had been referred petitions on the subject, on leave given, reported a bill No. 53, entitled "A supplement to the several acts of the Legislature, regulating fisheries in the river Delaware;"

Which was read the first time.

The bill, No. 34, from the House of Representatives, entitled "An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers," was read a third time; and

*Resolved* that it pass; and

*Ordered*, That the Clerk return said bill to the House of Representatives with information that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

The bill, No. 38, entitled "A further supplement to the act entitled "An act directing the descent of intestates' real estates, and distribution of their personal estates, and for other purposes therein mentioned," was read a second time as postponed yesterday.

Section 1 recurring and being under consideration,

A motion was made by Mr. Barnard and Mr. St. Clair, to amend the same by striking out all after the word "therein," in the tenth to the end of the eleventh line, and inserting the following; "and the actual cost of such publication to be paid by the register, shall be divided among the several accounts to be presented to any one court, and the proper proportion, and no more, shall be allowed and;"

Which was agreed to.

And the section as amended, was then agreed to.

The title was agreed to, and

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hill in the chair, on bill No. 49, entitled "An act to authorise John Johnston, the administrator of the Rev. James Johnston, to convey a certain piece of ground;"

And after some time, the committee rose and reported said bill without amendment.

A motion was made by Mr. Mann and Mr. R. Smith, that when the Senate adjourns, it will adjourn to meet at ten o'clock, to-morrow morning; and, that that be the standing hour of meeting until otherwise ordered.

Which was agreed to.

Adjourned until 10 o'clock, to-morrow morning

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**Thursday, January 9, 1823.**

The bill No. 38, entitled "A further supplement to the act entitled "An act directing the descent of intestates' real estates and distribution of their personal estates, and for other purposes therein mentioned," was read a third time, and

*Resolved* that it pass.

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

A motion was made by Mr. W. R. Smith and Mr. Brewster, that the Senate proceed to the second reading and consideration of the resolution attached to the report of the committee on the subject of the state maps, read yesterday.

Which was not agreed to.

On motion of Mr. Hill and Mr. Brewster, the following resolution was twice read, considered and adopted, to wit:

*Resolved*, That the Secretary of the Commonwealth be required to transmit to Senate, any information he may be in possession of, relative to the confiscated lands of the late Andrew Allen, which have not heretofore been disposed of by the authority of the state.

On motion,

The Senate resumed the second reading and consideration of the bill No. 7, entitled "An act to provide for the education of the poor, gratis."

Section 1 being again under consideration,

A motion was made by Mr. M'Meens and Mr. Wurts, to postpone the same with the bill for the present;

Which was agreed to.

The bill, No 49, entitled "An act to authorise John Johnston, the administrator of the Rev. James Johnston, to convey a certain piece of ground;" was read a second time, as reported by a committee of the whole yesterday, considered by section and agreed to; and *Ordered*, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Brewster in the chair, on bill No. 52, from the House of Representatives, entitled "An act for the relief of Joseph Fox, a revolutionary soldier;"

And, after some time, the committee rose and reported said bill, without amendment.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill No. 44, from the House of Representatives, entitled "An act granting compensation to Adam Koch for a tract of land;"

And after some time, the committee rose, and reported said bill without amendment.

On motion,

The Senate again resolved itself into a committee of the whole, Mr. Barnard in the chair, on bill No. 33, from the House of Representatives, entitled "An act for the relief of Henry Miller and David Bower, revolutionary soldiers."

And after some time, the committee rose, and reported said bill without amendment.

On motion,

Said bill was read a second time, considered by section, and agreed to; and

*Ordered*, To be prepared for a third reading.

On motion of Mr. Barnard and Mr. M'Meens, the Senate resumed the consideration of the report of the committee of the whole, on bill No. 27, from the House of Representatives, entitled "An act for the relief of John Gregory, a soldier of the revolutionary war," postponed for the present on the 24th ultimo.

The question recurring,

Will the Senate agree to said report?

The yeas and nays were required by Mr. Dickerson and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Mann,  
Robertson,

**YEAS.**

Messrs. Shulze,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—18

**NAYS.**

Messrs. Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Groves,  
Henderson,

**NAYS.**

Messrs. Hill,  
M'Meens,  
Power,  
St. Clair,  
Winter.—11.

So it was determined in the negative.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have non-concurred in the amendment by the Senate to the second section, and have concurred in the other amendments to the bill entitled

"An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers."

Laid on the table.

A motion was made by Mr. Dickerson and Mr. Wurts, that the Senate adhere to their amendments to the bill from the House of Representatives, entitled "An act for the relief of Dennis Dailly, Andrew Reed and Reuben Cook, revolutionary soldiers;" and

On the question,

Will the Senate adhere to said amendments?

A motion was made by Mr. Barnard and Mr. Groves, to postpone the same for the present;

Which was agreed to.

Adjourned until 10 o'clock, to-morrow morning.

Friday, January 10, 1823.

Mr. Eyster presented a remonstrance from sundry Roman Catholics of York county, against any alteration being made in the charter of St. Mary's church, in the city of Philadelphia.

Mr. Groves presented a memorial from Samuel Thackara, of the district of Southwark, in the county of Philadelphia, praying to be indemnified for certain losses sustained by him, in the vacation of streets in said district; and said remonstrance and memorial were read, and laid on the table.

Mr. Cadwallader presented a petition from stockholders and others, praying that the charter of the Bucks County Bank, may be renewed.

Mr. Wurts presented a petition from H. J. Hurdekoper, of Crawford county, complaining of the mode in which the business of the North Western Bank of Pennsylvania has been conducted by the directors thereof, and praying such relief as the Legislature may deem necessary and proper;

And said petitions were read and referred to the committee on banks.

Mr. Brewster presented three petitions of similar tenor, from sundry inhabitants of Luzerne county, praying that commissioners may be appointed to lay out and open a state road from Wilkesbarre to Milton.

And said petitions were read, and referred to the committee on roads, bridges and inland navigation.

Mr. Groves presented a petition from the commissioners of Spring Garden, in the county of Philadelphia, praying to be authorised to erect market houses and a town hall in Callowhill and Spring Garden streets; to elect inspectors of the prison of the city and county of Philadelphia, and to introduce the Schuylkill water into the district;

And said petition was read referred to the members from the city and county of Philadelphia.

Mr. Groves presented a memorial from the inspectors of the prison of the city and county of Philadelphia, requesting to be authorised to remove certain prisoners to the Arch street prison, and to erect a stepping mill or mills in either of the prisons, in the city and county of Philadelphia;

And said memorial was read and referred to Messrs. Groves, Hill and Mann.

Mr. Wurts presented a petition, from sundry citizens of the Commonwealth, relative to the Schuylkill Coal Company;

Which was read and laid on the table.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report:

That, in conjunction with a similar committee from the House of Representatives, they have compared and on this day presented to the Governor, for his approbation, the bill entitled, as follows, to wit:



# JOURNAL OF

## *YEAS.*

*Med.*  
*d* Messrs. Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Hill,

## *NAYS.*

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,

## *YEAS.*

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker—14.

## *NAYS.*

Messrs. Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.  
Section 3 recurring, and being again under consideration, was agreed to.

Section 4 being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Dickerson and Mr. M'Meens, and are as follows, to wit:

## *YEAS.*

Messrs. Barnard,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Hill,  
Mann,

## *NAYS.*

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Groves,

## *YEAS.*

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—14.

## *NAYS.*

Messrs. Henderson,  
Robertson,  
R. Smith,  
W. R. Smith.—9.

So it was determined in the affirmative.

The title was agreed to, after being amended to read as follows, to wit:

"An act for the relief of Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers;" and

*Ordered*, that said bill be prepared for a third reading.

On motion,

The rule for going into a committee of the whole, being in this case dispensed with,

The bill No. 47, from the House of Representatives, entitled "An act for the relief of Petter Allen, a revolutionary soldier," was read a second time.

Section 1 being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Mann and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Allahouse,  
Barnard,  
Brewster,  
Eichelberger,  
Evster,  
Feger,  
Groves,  
Hill,

**YEAS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—14

**NAYS.**

Messrs. Coleman,  
Dickerson,  
Duncan,  
Henderson,  
Mann.

**NAYS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—9.

So it was determined in the affirmative.

The title was considered and agreed to. And

*Ordered* to be prepared for a third reading.

On motion,

The rule, which prohibits the reading of bills twice on the same day being in this case dispensed with, the said bill was read the third time and passed; and

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, without amendment.

Adjourned until 11 o'clock, to-morrow morning.

---

**Wednesday, January 8, 1823.**

Mr. Cadwallader presented a petition from sundry citizens of Bucks county, relative to fisheries in the river Delaware;

Which was read and referred to the committee who have that subject under consideration.

Mr. Hill presented a petition from James Finlayson, of Philadelphia, praying that he may be appointed agent on behalf of the state, to dispose of, and to contract for the printing, coloring and

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed an act of the General Assembly, entitled "An act for the relief of Peter Allen, a revolutionary soldier," and directed the Secretary of the Commonwealth to return it to the House of Representatives, in which it originated.

JOSEPH HIESTER.

January 10th, 1823.

Agreeably to order,

✓ The Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill No. 13, entitled "An act to incorporate a company to erect a Rail Road, from Harrisburg to Pittsburg;"

And after some time, the committee rose, reported progress, and obtained leave to sit again to-morrow.

On motion of Mr. Barnard and Mr. R. Smith, the bill No. 28, entitled "An act to incorporate the Chester and Delaware Farmers' Brewing Company," was recommitted to the committee who reported it.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill No. 48, from the House of Representatives, entitled "A further supplement to the insolvent laws of this Commonwealth;"

And after some time, the committee rose, reported progress, and obtained leave to sit again on Monday next.

On motion of Mr. R. Smith and Mr. Shulze, Mr. Barnard was appointed teller to officiate on the part of the Senate, at the election of State Treasurer, on Tuesday next.

Adjourned until 10 o'clock, to-morrow morning.

**Saturday, January 11, 1823.**

Mr. Groves obtained leave of absence for a few days.

Mr. Shulze presented a petition from the president, managers and company of the Berks and Dauphin Turnpike Road, praying that an unexpended balance of three thousand dollars may be paid to them, before the conditions made in the original law be complied with.

Mr. Wurts presented three petitions of similar tenor, relative to the Chesapeake and Delaware canal.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Groves presented a petition from the commissioners of Spring Garden, in the county of Philadelphia, praying that the decision of the court of quarter sessions, opening Callowhill street, may be ratified and confirmed;

Which was read and referred to the members from the city and county of Philadelphia.

Mr. Wurts presented a petition from sundry citizens of the Commonwealth, relative to the Schuylkill Coal Company;

Which was read, and laid on the table.

Mr. Power presented a petition from William Drennin, of Allegheny county, an old soldier, praying for relief;

Which was read, and referred to the committee on claims.

Mr. Wurts presented a petition from Dr. Robert L. and Dr. Samuel Annen, executors of the last will and testament of the Rev. Robert Annen, late of Lancaster county, deceased, praying to be authorised to raise money, by mortgaging a certain part of the property of said deceased;

Which was read and referred to Messrs. Wurts, Henderson, and St. Clair.

Mr. W. R. Smith, from the committee of conference of Senate, on the subject of the amendment to the bill entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek," report:

That your committee have conferred with a similar committee on the part of the House of Representatives, on the subject submitted to them, and have been unable to agree. Therefore

*Resolved*, That your committee be discharged from any further consideration of this subject.

On motion,

Said resolution was again read, considered and adopted.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Mr. Groves, from the committee to whom had been referred petitions on the subject of the Church of St. Mary's, asked leave to report by bill;

Whereupon,

The yeas and nays were required by Mr. W. R. Smith and Mr. Groves, when a motion was made by Mr. Groves and Mr. Power to postpone the question for the present;

Which was not agreed to.

The question again recurring,

Shall the committee have leave so to report by bill?

The yeas and nays are as follow:

### YEAS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Feger,  
Groves,  
Hill,  
Mann,

### YEAS.

Messrs. M'Meena,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker—14.

## NAYS.

## NAYS.

Messrs. Cadwallader,  
Soleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyater,

Messrs. Henderson,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—11.

So it was determined in the affirmative.

And said committee reported a bill, No. 69, entitled "A supplement to an act entitled an act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the 13th September, 1788;"

Which was read the first time.

The Clerk of the House of Representatives being introduced, presented for concurrence the bill, entitled

"An act to incorporate the Gettysburg Water Company;"

Which was read the first time.

He also presented an extract from the Journal, which was read as follows, to wit:

*"In the House of Representatives, January 10, 1823.*

"On motion,

"Mr. Hutter was appointed teller on the part of the House of Representatives, to officiate at the election of State Treasurer, on Tuesday next."

Laid on the table.

He also returned the resolution relative to the copper plates of the state map of Pennsylvania, and the printed maps of the state, now in the hands of the representatives of the late John Melish, deceased; and informed, that the House of representatives have passed the same, with amendments, in which the concurrence of the Senate is requested;

Which was read the first time.

The bill, No. 44, from the House of Representatives entitled "An act granting compensation to Adam Koch, for a tract of donation land," was read a third time; and

*Resolved*, That it pass.

The bill, No. 52, from the House of Representatives, entitled "An act for the relief of Joseph Fox, a revolutionary soldier," was read a third time; and

*Resolved*, hat it pass.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, without amendment.

The amendments to bill No. 1, reprinted 58, entitled "A further supplement to the act entitled An act to raise and collect county rates and levies," were read a second time, as reported by a committee of the whole yesterday.

The amendment to section 2, being under consideration,

A motion was made by Mr. Duncan and Mr. St. Clair, to amend the same, in the fourth line, by striking out the word "or" after the word freehold, and insert "and;"

Which was agreed to; and

The amendment as amended, was then agreed to.

The amendments, sections 3 and 6, were severally considered and agreed to.

The amendment, section 7, being under consideration,

A motion was made by Mr. Allshouse and Mr. Mann, to amend the same, in the third line, after the word "Philadelphia," by inserting these words: "and Westmoreland;" and,

On the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Allshouse and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Cadwallader,  
Duncan,  
Eichelberger,  
Henderson,  
Robertson,

**NAYS.**

Messrs. Barnard,  
Brewster,  
Dickerson,  
Hill,  
Mann,

**YEAS.**

Messrs. Shulze,  
W. R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—11.

**NAYS.**

Messrs. M'Meens,  
Orr,  
Power,  
R. Smith,  
Wurts—10.

So it was determined in the affirmative. And,

On the question,

Will the Senate agree to the amendment, as amended?

The yeas and nays were required by Mr. W. R. Smith and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Cadwallader,  
Mann,  
M'Meens,

**NAYS.**

Messrs. Allshouse,  
Brewster,  
Dickerson,  
Duncan,  
Eichelberger,  
Feger,  
Henderson,  
Hill,

**YEAS.**

Messrs. R. Smith,  
St. Clair,  
Wurts.—7.

**NAYS.**

Messrs. Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Winter,  
Marks, speaker.—15.

So it was determined in the negative.

The amendment, section 8, being under consideration;

On the question,

Will the Senate agree to the same?

It was determined in the negative.

The amendment to section 9, now 7, was considered, and agreed to.

Section 6, now section 8, recurring, was considered and agreed to.

The title was considered, and agreed to; and

On the question,

Shall said bill be transcribed for a third reading?

The yeas and nays were required by Mr. Barnard and Mr. Dickerson;

When a motion was made by Mr. R. Smith and Mr. Shulze, to postpone the question for the present.

Which was agreed to.

On motion of Mr. M'Meens and Mr. R. Smith, the committee of the whole were discharged from the further consideration of bill No. 13 entitled "An act to incorporate a company to erect a Rail Road, from Harrisburg to Pittsburg;"

And the bill recommitted to the committee on roads, bridges and inland navigation.

A motion was made, that Senate adjourn; and

On the question,

The yeas and nays were required, by Mr. M'Meens and Mr. R. Smith, and are as follow, to wit:

#### *YEAS.*

Messrs. Allshouse,  
Barnard,  
Brewster,  
Dickerson,  
Duncan,  
Eyster,  
Henderson,

#### *NAYS.*

Messrs. Cadwallader,  
M'Meens,  
Orr,  
Power,

#### *YEAS.*

Messrs. Hill,  
Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Winter.—14.

#### *NAYS.*

Messrs. Shulze,  
Wurts,  
Marks, speaker—7.

So it was determined in the affirmative.

And the Senate adjourned until 10 o'clock, on Monday morning next.

**Monday, January 13, 1823.**

Mr. Dickerson presented a petition from a number of the inhabitants of Washington county, praying that the act passed 30th September, 1791, regulating the inspection of flour, in the counties of Westmoreland, Washington, Allegheny and Fayette, may be altered so far as the same extends to them.

And said petition was read and referred to the members from the counties of Westmoreland, Fayette and Washington.

Mr. Mahon presented a petition and documents, from Margaret Lawry Manison, of Cumberland county, widow of an old soldier, praying for relief.

Mr. R. Smith presented a petition and documents, from Mary Brown, of Franklin county, widow of an old soldier, praying for relief.

And said petitions were read and referred to the committee on claims.

Mr. Barnard presented two petitions of similar tenor, from sundry citizens of Charlestown township, in Chester county, praying that said township may be erected into a separate election district, and their elections to be held at the house of Robert Boyle.

And said petitions were read and referred to the committee on election districts.

Mr. Brewster presented a petition from sundry inhabitants of Luzerne county, praying that the judges of the court in said county, may be authorised to appoint three men to superintend the making of a road from Wilkesbarre to Towanda, in Bradford county, and that the road tax on certain unseated lands may be appropriated to make said road.

And said petition was read and referred to the committee on roads, bridges and inland navigation.

Mr. Hill presented a petition from sundry inhabitants of Washington and Fayette counties, praying for a new county, and that the seat of justice may be in Brownsville, in Fayette county.

And said petition was read and laid on the table.

Mr. Power presented a petition from James Herrington, late armorer at Meadville, praying that the proper officers may be authorised to settle his accounts.

And said petition was read and referred to the committee on the militia system.

Mr. Brewster presented a petition from sundry stockholders in the Silver Lake Bank, praying that a committee may be appointed to investigate the management and concerns of said bank; which was read, and laid on the table.

Mr. Mahon presented a letter from William B. and J. Underwood, offering to print the pamphlet laws for three sessions, in the usual manner and usual number of copies, at the rate of forty dollars per sheet, or to print and stitch them for forty-five dollars;

which was read, and referred to the committee who have that subject under consideration



The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

DEPARTMENT OF STATE,

*Secretary's Office, January 18, 1823.*

GENTLEMEN: In obedience to a resolution of the Senate, requiring the Secretary of the Commonwealth, to transmit to the Senate any information he may be in possession of, relative to the confiscated lands of the late "Andrew Allen, which have not heretofore been disposed of by the authority of the state," I have the honor of transmitting herewith, extracts from the proceedings of the supreme executive council, relative to thirty-six thousand acres of land, located in August, 1774, by Benjamin Chew, Edward Shippen, Joseph Shippen, Samuel Meredith and Andrew Allen, by which it appears that five thousand eight hundred and seventy-three acres and fifty-eight perches, being the apportionment to which Andrew Allen was entitled, was decreed to be the property of the state; also a letter of the 17th of January, 1792, from John Nicholson, then Comptroller of the state, to Governor Mifflin, with the drafts and description of five tracts stated by him to have been forfeited to the state by the attainder of Andrew Allen. These are the only lands which were owned by Mr. Allen at the time of his attainder and now remaining unsold, of which the records in this office furnish any evidence. There is no official evidence of any of these lands having ever been claimed by any person in right of Mr. Allen. I have also thought it proper to add to the above list of papers, being those more immediately embraced by the resolution, an extract from the executive proceedings, exhibiting the date of Mr. Allen's pardon, and the circumstances under which it was granted.

I have the honor to be, Gentlemen;

Very respectfully, your obedient servant,

ANDREW GREGG, *Secretary.*

To the SENATE, of the  
Commonwealth of Pennsylvania.

Ordered to lie on the table.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred a petition on the subject, reported a bill, No. 61, entitled "An act authorising the incorporation of a company for the making of a turnpike road, from the south end of the Monongahela bridge, opposite the city of Pittsburgh, to the top of Coal Hill, in a direction towards Brownsville."

Mr. M'Meens, from the same committee, to whom had been referred so much of the Governor's message as relates to the subject, reported a bill, No. 62, entitled "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna, Juniata, and their branches;"

And said bills were read the first time.

On motion of Mr. Hill and Mr. Orr, an item of unfinished business, on the Journal of last session, page 321, relative to a state

road, in Washington and Greene counties, was referred to the committee on roads, bridges and inland navigation. \*

On motion,

The Senate proceeded to the consideration of the amendments made by the House of Representatives, to the resolution No. 56, relative to the state maps;

When a motion was made, by Mr. Mann and Mr. Shulze, that the Senate concur in said amendments;

Which was agreed to.

On motion,

The Senate resumed the second reading and consideration of bill, No. 1, re-printed 58, entitled "A further supplement to the act entitled "An act to raise and collect county rates and levies," postponed yesterday; and

The question recurring,

Shall said bill be transcribed for a third reading?

The yeas and nays were as follow, to wit:

**YEAS.**

Messrs. Allhouse,  
Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Eyster,  
Feger,

**YEAS.**

Messrs. Henderson,  
Orr,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts.—13.

**NAYS.**

Messrs. Barnard,  
Brewster,  
Hill,  
Mahon,  
Mann,

**NAYS.**

Messrs. M'Means,  
Power,  
Shulze,  
R. Smith,  
Marks, speaker.—10.

So it was determined in the affirmative.

Ordered, That said bill be transcribed for a third reading.

On motion of Mr. Barnard and Mr. M'Means, the Senate again resumed the consideration of the amendments to bill No. 40, from the House of Representatives, entitled "An act for the relief of Dennis Baily, Andrew Reed and Reuben Cook, revolutionary soldiers," postponed for the present, on the 9th instant; and

The question recurring,

Will the Senate adhere to these amendments?

The yeas and nays were required by Mr. Barnard and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Coleman,  
Dickerson,  
Duncan,  
Eyster,  
Henderson,  
Mann,

**YEAS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

**YAYS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Feger,  
Hill,  
Mahon,

**NAYS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
Winter.—11.

So it was determined in the negative.

A motion was then made, by Mr. Barnard and Mr. Brewster, that the Senate recede from their amendment to said bill.

Whereupon,

The yeas and nays were required, by Mr. Dickerson and Mr. R. Smith, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Feger,  
Hill,  
Mahon,

**YEAS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
Winter.—11,

**NAYS.**

Messrs. Coleman,  
Dickerson,  
Duncan,  
Eyster,  
Henderson,  
Mann,

**NAYS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

So it was determined in the negative.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion,

The bill, No. 35, from the House of Representatives, entitled "A supplement to the act entitled "An act providing for the inspection of spirituous liquors," was read a second time, as reported by a committee of the whole, on the 31st ultimo, considered by section, and agreed to.

The title was agreed to; and

*Ordered*, That the bill be prepared for a third reading.

On motion,

The Senate resumed the second reading and consideration of bill No. 28, entitled "An act authorising a sale of the real estate of Jacob Miller, deceased," postponed for the present, on the 6th instant; and

The question recurring,

Will the Senate agree to the 1st section?

A motion was made by Mr. Shulze and Mr. Eichelberger, to postpone the further consideration of said bill, for the present; Which was agreed to.

The Clerk of the House of Representatives, being introduced, informed, that the House of Representatives have adopted the resolution, attached to the report of the committee appointed upon the subject of an amendment by the House of Representatives to the bill from the Senate entitled "An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek."

Laid on the table.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Winter in the chair, on bill No. 45, from the House of Representatives, entitled "A supplement to an act entitled "An act declaring Wysox creek, from the mouth thereof, to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway."

And, after some time, the committee rose and reported said bill with amendments.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 48, from the House of Representatives, entitled "A further supplement to the insolvent laws of this commonwealth."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Monday the 27th instant.

The Clerk of the House of Representatives, being introduced, informed, that the House of Representatives have received from the amendment non-concurred in by the Senate, to the bill from the Senate, entitled "An act for the relief of the contractors, for building the Conemaugh bridge and the bridge over the West Branch of the river Susquehanna, at or near the mouth of Anderson's creek."

Laid on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Feger in the chair, on bill No. 54, from the House of Representatives, entitled "An act for the relief of Mary M'Curdy, widow of William M'Curdy, a captain in the revolutionary war."

And after some time, the committee rose and reported the bill without amendment.

On motion,

The rule for going into a committee of the whole being in this case dispensed with, the Senate proceeded to the second reading and consideration of bill, No 53, entitled "A supplement to the several acts of the Legislature regulating fisheries in the river Delaware."

The sections and title were severally considered and agreed to: Ordered, That it be transcribed for a third reading.

The speaker laid before the Senate, a letter and documents from the Auditor General, which were read as follow, to wit:

AUDITOR GENERAL'S OFFICE,

January 13, 1823.

SIR: Agreeably to the 15th section of the act of 21st March, 1814, entitled "An act regulating banks," I have the honor of submitting to the Senate the accompanying copies of the reports of certain banks, established by that act.

With respect,

I am sir,

Your obedient servant,

JAMES DUNCAN.

The Honorable,

The SPEAKER of the Senate,

**ALLEGHENY BANK OF PENNSYLVANIA, November, 1892.**

Specie, foreign paper and certificates of other banks	2,770 08	2,770 08	Capital stock do. extinguished for debts,	144,549 00 47,188 50
Bills and notes on eurtailment do. in suit	8,393 46 54,908 94		Dividends unclaimed	251 41
do. on bonds and pledges of stock	57,388 65	119,931 05	Surplus at last dividend, Discounts and interests received	403 72 7,063 48
Expenses, salary and interest paid to creditors	3,355 19	3,355 19	Bank notes and tickets in circulation	7,718 61
Due from other banks and corporations, From individuals for part of which there is judgment	17,927 50 1,170 00	18,997 50	Due other banks and corporations Due depositors	16,084 27 17,678 28
				97,860 50
				5,612 46
				33,762 55
				8144,459 82

**NOTES:**

**No real property.**  
**Personal property to the amount of about \$200.**  
**No dividend declared since November 6, 1920.**

# BANK OF BEAVER, November 4, 1822.

Bills discounted outstanding  
Judgments  
Bonds  
Real estate  
Stock of this bank  
Cash, silver and gold  
Foreign notes  
Due from other banks

36,816 69  
36,453 55  
15,660 07  
3,304 54  
2,413 00  
92 37½  
147 68  
19 44  

---

\$94,847 34½

Stock paid in  
Notes in circulation  
Dividend unclaimed  
Dividends declared this day  
Tax of eight per cent. to state  
Balance to credit of profit and loss  
Deposits

79,000 00  
4,745 69  
1,173 83  
382 93½  
30 64  
5,224 26  
4,289 99  

---

\$94,847 34½

A dividend of one half per cent. on 76,587 dollars, was declared on the first Monday of November, 1822, amounting to  
The personal property of the bank consists of a desk, gold scales, iron chest, chairs, &c. valued at which was paid for out of the contingent fund

\$882 93½  
292 00

# **BANK OF CHAMBERSBURG, November 4, 1892**

Bills and notes	\$271,267 54	Capital received	\$246,340 00
Judgments	120,593 80	Bank notes issued	\$243,049 00
Drafts at short dates	12,571 98	On hand	140,261 00
Turnpike stock	6,000 00	In circulation	102,788 00
Specie and notes of banks paying specie	24,673 67	Dividends unpaid including that	
Due by banks and turnpike companies	17,385 90	declared this day	10,783 40
		Due banks and individual depositors	92,381 49
	<u>\$452,492 89</u>		<u>\$452,492 89</u>

Dividend declared first Monday of May, 1892, at three per cent. amounting to 7,386 45

Dividend declared first Monday of November, 1892, at three per cent. amounting to 7,386 45

Total amount \$14,772 90

No real property; personal property, valued at \$900 dollars.



## BANK OF CHESTER COUNTY, November, 4, 1892.

Capital stock	\$90,000 00	Mortgages, bonds and discounted notes	\$230,075 74
Notes in circulation	161,437 00	Specie	59,540 96
Due other banks	663 61	Real estate*	6,650 00
Due depositors	135,533 94	Bank stock	15,892 38
Contingent fund	10,028 71	Notes of Philadelphia banks	13,749 00
Dividends unpaid, including one declared this day	3,298 50	Notes of other banks	5,971 00
		Due from Philadelphia banks	69,508 91
		Due from other banks	1,568 77
			<hr/>
			\$400,956 76

\*The personal property of the bank, viz. its furniture, &c. is valued at \$300, but is not entered as an item in the above statement, as the amount of its cost has, long since, been deducted out of the profits of the institution.

A dividend was declared, on the first Monday in May last, of three per cent. for six months, \$2,700 00  
A dividend was declared, on the first Monday in November instant, of three per cent. for six months, \$2,700 00

# **BANK OF DELAWARE COUNTY, November 4, 1832.**

To capital stock paid in	877,430 00	By bills and notes on loan and stock	8182,511 04
Delaware county notes on hand	53,933 00	Expenses	172 40
Delaware county notes in circulation	71,988 00	House and lot in Chester	10,364 85
Balance of surplus fund	4,401 27	Amount of cash in bank, viz.	
Dividends unpaid	3,120 00	specie	19,804 59
Discount and interest received	4,729 98	Philadelphia notes	4,233 00
Amount due to Philadelphia banks	7,192 16	Delaware county notes	53,933 00
Money of depositors	48,914 37		77,970 59
	<u>8271,008 38</u>		<u>8271,008 38</u>

May 6th, dividend of four per cent. on 877,430 capital stock paid in \$3,097 20  
 November 4th, dividend of four per cent. on 877,430, capital stock paid in 3,097 20  
\$6,194 40



# **BANK OF GETTYSBURG, November 3, 1822.**

To bills discounted	188,093 70	By capital	128,758 00
Judgments and mortgages	55,868 72	Dividends unclaimed	886 49
Bonds	2,800 00	Discounts received	5,314 19
Real estate	23,535 70	Banknotes in circulation	84,380 00
Specie	25,459 11	Amount due banks and individual depositors	38,666 69
Water stock	160 00		
Foreign paper and debts due from other Banks	7,712 43		
Expenses	1,135 41		
	<u>2302,400 07</u>		<u>3302,400 07</u>

Dividend declared including the first Monday of May, 1822, of three per cent. for six months 3,901 59  
 Dividend declared including the first Monday of November, 1822, three per cent for six months 3,862 59

87,764 18

THE SENATE

# *BANK OF MONTGOMERY COUNTY, November 4, 1892.*

To stockholders, capital stock      \$82,870 00  
 Dividends unclaimed      744 60  
 Declared this day      2,486 10  
 Contingent fund      5,670 53  
91,771 23  
 134,846 00

Holders of notes in circulation  
 Commonwealth of Pennsylvania eight  
 per cent. in dividends declared in May  
 and November, 1892      397 49  
 Depositors      51,123 49  
 Farmers' and Mechanics' Bank      1,033 44

\$278,671 65

The rate and amount of dividends declared this year are as follow, to wit:  
 May 6th, three per cent. on \$2,750 capital  
 November 4th, three per cent. on \$2,870 capital

Whole amount of dividends declared in 1892  
 Personal property of small value, paid out of the profits of the institution.

By bills, notes, bonds, mortgages and drafts  
 discounted      \$199,310 56  
 Amount due from other banks      3,238 60  
 Notes of other banks      650 00  
 Specie      53,636 86  
57,525 46.  
 97 42  
 7,689 00

Cash paid for protests, &c.  
 Bank stock      4,500 00  
 Real estate, banking house  
 Purchased at sher-  
 iff's sale upon a le-  
 vari facias at the  
 suit of the bank      12,577 71  
17,977 71  
 1,166 66  
 119 72  
 1,791 72  
\$278,671 65

Permanent expenses not yet sunk  
 Amount overdrawn  
 Balance

\$2,482 50  
 2,486 10  
4,968 60

# **BANK OF THE NORTHERN LIBERTIES, November 4, 1892.**

Bills, notes, bonds and judgments	\$45,448 61
Over-drafts	\$223,323 12
Deduct judgments	70,500 00
	<hr/>
Stocks	212,823 12
Banking house, &c.	36,433 09
Specie	10,000 00
Due from other banks	81,798 36
Suspense	60,057 94
	<hr/>
	\$751,070.45

Dividend of May last, four per cent or 10,000 dollars:

Capital actually paid in	\$299,280 00
Profit and loss	16,754 25
Unclaimed dividend	817 25
Contingent	38,772 86
Circulation	226,108 00
Individuals	152,394 60
State tax on dividend No. 13	800 00
Due to other banks	16,143 39
	<hr/>
	\$751,070 45

# **BANK OF PITTSBURG, November 4, 1892.**

Bills discounted  
 Bills of exchange  
 Real estate  
 Judgments  
 Due by sundry banks  
 Notes of other banks  
 Specie

\$469,002 05  
 36,468 78  
 19,143 79  
 2,765 03  
 26,974 39  
 92,919 5  
 19,059 18

\$606,392 37

Stock  
 Pittsburg notes in circulation  
 Contingent fund  
 Tax to state of Pennsylvania  
 Unclaimed dividends  
 Dividend declared this day  
 Due to sundry banks  
 Due to depositors

\$340,800 50  
 97,775 00  
 26,092 02  
 1,632 48  
 3,980 85  
 10,203 00  
 12,805 07  
 113,113 45

\$606,392 37

On the first Monday of May, 1892, declared a dividend of three per centum for the half year ending on that day, amounting to  
 On the first Monday of November, 1892, declared a dividend of three per centum for the half year ending on that day, amounting to

\$10,203 00  
 10,203 00  
 \$20,406 00

**CARLISLE BANK, November 4, 1892.**

Bills and notes discounted  
 United States bank stock  
 Carlisle bank stock  
 Real estate  
 Cash in specie  
     in notes of other banks at par  
     in notes of country banks paying specie  
     in notes depreciated  
     due from other banks

\$214,657 72  
 11,000 00  
 2,740 00  
 28,810 54  
 18,109 75  
     6,954 00  
     720 00  
     35 00  
     1,408 43  
 -----  
 \$278,430 44

Capital  
 Notes in circulation  
 Due to other banks  
 Individual deposits and unclaimed dividends  
     including dividend this day declared

\$163,593 00  
 50,282 50  
 12,172 22  
     52,380 74  
 -----  
 \$278,430 44

Amount of dividend declared on the first Monday of May, 1892, at the rate of six per cent. per annum 4,903 80  
 Amount of dividend declared on the first Monday of November, 1892, at the rate of six per cent. per annum 4,907 85



# **COMMERCIAL BANK OF PENNSYLVANIA, November 4, 1892**

To capital stock	\$1,044,853 92
To deposits including contingent fund	200,000 00
Bank notes in circulation	33,207 00
Discounts	\$7,714 00
	92,499 66
	20,000 00
	5,241 99
	<hr/>
	\$1,499,515 97

By bills discounted	
Commercial Bank stock	
Due from city banks	
Notes of other banks	
Specie, gold and silver	
Banking house and lot	
Expenses	

To capital stock	\$1,000,000 00
To deposits including contingent fund	311,166 97
Bank notes in circulation	92,538 00
Discounts	29,811 00
	<hr/>
	\$1,438,515 97

Fifteenth dividend; first Monday of May last, for preceding half year	20,000
Sixteenth dividend, first Monday of November last, for preceding half year	20,000
	<hr/>
	\$40,000

**EASTON BANK, November 4, 1892.**

Real estate, viz: banking house	\$10,000	Capital stock	\$214,770 00
Property conveyed in payment of debt	4,908 63	Bank notes in circulation	206,482 90
Notes discounted		Dividends unpaid, including dividend declared this day	7,290 97
Bonds and mortgages under the 9th section of the act regulating banks, funded debt of the United States, Easton and other bank stock	14,208 63 26,976 08	Deposits	71,349 00
Balances due from other banks	194,575 18	Contingent fund	27,866 42
Cash on hand, viz:	23,261 88		
Specie	42,262 89		
Notes of various banks	26,473 73		
	68,736 62		
	<u>8517,758 39</u>		<u>8517,758 39</u>
		Amount of dividend declared May 6th, 1892, for the preceding six months, at three per cent.	5,568 30
		Amount of dividend declared November 4th, 1892, for the preceding six months, at three per cent.	5,568 30
			<u>\$11,136 60</u>

# FARMERS' BANK OF BUCKS COUNTY, November 4, 1892.

Capital stock	\$60,090 00	Notes, bonds and Judgments	\$57,627 32
Bank notes in circulation	\$4,148 00	Real property taken in security for debts,	23,442 50
Due other banks	3,157 00	Specie in vault	6,965 79
Dividends not claimed, including that of this day	1,068 00	Notes of other banks	1,030 00
Tax on dividend due the state	75 62	Due from other banks	11,464 05
Deposits, including contingent fund	7,698 54	Own bank stock, 490 shares, cost	5,707 50
	<hr/>		<hr/>
	\$106,237 16		\$106,237 16

NOTE.—The bank holds 365 shares of its own stock in pledge.

Dividend declared this day, upon the amount entitled thereto, \$47,265, at two per cent. \$ 945 50

# **FARMERS' BANK OF LANCASTER, November 4, 1892.**

Capital stock	\$600,000 00
Notes in circulation	282,946 00
Dividends due	22,847 69
Profits undivided	665 48
Due to commonwealth for tax on dividend	2,880 00
Due to banks	1,402 59
Deposits	145,006 51
	<hr/>
	\$1,055,448 18

Bills discounted and outstanding
Banking house and other real property
Bank stock
Notes of other banks
Specie
Due from banks

\$737,788 89
22,370 56
45,500 00
25,447 00
83,454 54
82,887 69
<hr/>
\$1,055,448 18

THE SENATE

Amount of dividends during the preceding year, ending with the 4th day of November, 1892, at the rate of six per cent. \$36,000

# **FARMERS' BANK OF READING, November 4, 1898.**

Amount of stock paid in  
Notes in circulation  
Deposits, &c.

\$800,350 00  
26,799 00  
35,237 17  

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\$862,386 17

Bills discounted and bonds  
Bank stock  
Real estate  
Due from other banks  
Notes of other banks  
Specie

\$291,266 36  
34,321 00  
17,980 32  
1,152 85  
2,645 00  
14,320 64  

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\$362,386 17

Amount of dividends during the preceding year, ending with 4th day of  
November, 1892, at the rate of four per cent. \$10,620 72

# **HARRISBURG BANK, November 4, 1893.**

To capital paid in  
 Notes in circulation  
 Due to banks  
 Due to depositors  
 Dividends undemanded  
 Dividend declared this day  
 Surplus fund

\$158,525 00  
 185,104 82  
 19,589 27  
 120,483 40  
 2,389 35  
 6,341 00  
 1,670 91  
 -----  
 \$494,103 75

By bills discounted  
 Specie  
 Notes of other banks  
 Due from other banks  
 Bonds  
 Harrisburg bridge stock  
 Real estate

\$390,484 73  
 40,003 60  
 38,256 06  
 37,951 12  
 19,949 23  
 360 00  
 37,102 01  
 -----  
 \$494,103 75

Dividends declared in the present year, viz. May 6th, 1892, four per cent. 6,341 00  
 Dividends declared in the present year, viz. November 4th, 1892, four per cent. 6,341 00  
 -----  
 \$12,682 00

THE STATE.

## LANCASTER BANK, November 4, 1892.

Capital  
Notes in circulation  
Dividends unclaimed  
Tax to state  
Discount deducting expenses  
Due to other banks  
Deposits

\$161,910 00  
474,035 01  
6,979 40  
720 29  
7,626 69  
273 84  
53,472 10  

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405,017 32

Bills discounted  
Notes of other banks  
Specie  
Due from other banks  
Stock

\$307,809 96  
38,710 00  
37,049 75  
6,905 14  
45,142 50

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\$405,017 32

Amount of dividends declared during the preceding year ending November 4th, at the rate of six per cent. per annum \$9,003 60

\$161,910 00  
474,035 01  
6,979 40  
720 29  
7,626 69  
273 84  
53,472 10  

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405,017 32

# MECHANICS BANK OF THE CITY AND COUNTY OF PHILADELPHIA, November 4, 1822,

To amount of capital stock	\$530,320 00	By Bills discounted	\$719,716 47
Notes in circulation	223,300 00	Stock of the bank	115,642 21
Due other banks	18,920 84	Specie	84,182 31
Surplus fund	64,589 44	Notes of other banks	61,022 43
Deposits	224,282 00	Amount due from other banks	32,983 62
		Of suspense account	9,591 40
		Expense do.	4,779 96
		Real estate	34,093 88
	<u>\$1,061,412 28</u>		<u>\$1,061,412 28</u>

Amount of dividend declared 4th November, 1822, at three per cent. \$11,537.25



# MONONGAHELA BANK OF BROWNSVILLE, November 4, 1822

Cr:

To capital stock	\$102,123 00	By real property	\$ 7,519 26
Surplus fund	211 74	Personal do.	150 00
Bank notes in circulation	27,100 00	Bills and notes outstanding	130,982 85
Deposits	40,884 48	Monongahela Bank of Brownsville stock	840 00
		Western banks	1,284 75
		Eastern do.	702 78
		Western bank paper	1,241 00
		Eastern do. do.	7,407 00
		Specie	20,191 58
	<hr/>		<hr/>
	\$170,319 22		\$170,319 22

## Amount of dividends made to the stockholders of the "Monongahela Bank of Brownsville," subsequent to the first day of January, 1822.

May 6th, 1822, capital paid	\$102,123 00	On which was declared two and a half per cent.	2,553 07
		Tax to the state of Penn'a. viz. eight per cent. on the dividend	204 24
* Nov. 4th, 1822 capital paid	102,123 00	On which was declared two and a half per cent.	2,553 07
		Tax to the state of Pennsylvania, viz. eight per cent. on the dividend	204 24
			<hr/>
			\$5,106 14
			<hr/>
			\$408 48

# **NORTHAMPTON BANK, November 4, 1822.**

To capital stock	\$125,000 00	By amount due on capital stock	\$12,650 00
Bank notes in circulation	91,308 00	Of capital stock held	
Dividends unpaid including dividend		by the bank	19,860 00
No. 16, this day declared	3,325 63		<u>26,510 00</u>
Amount due the state of Pennsylvania,		Real estate, banking house and	
eight per cent, on dividend No. 15		lot included	149,055 23
and 16	473 15	Bills discounted outstanding, and	
Amount due depositors	21,636 58	ills and judgments, under	
Surplus fund	1,056 97	the 9th section of the "act	
		regulating banks"	126,584 52
		Amount due by Philad'a banks	30,023 00
		Foreign notes on hand, at par	3,990 57
		Specie	27,235 86
			<u>60,649 99</u>
			<u>\$242,799 74</u>

Dividend declared on the first Monday of May, 1822, at the rate of six per cent. per annum 2,955 15  
 Dividend declared on the first Monday of Nov. 1822, at the rate of six per cent. per annum 2,959 20  
\$5,914 35

## SCHUYLKILL BANK, November 4, 1892.

To amount of capital stock paid in	\$498,675 00	By amount of bills discounted	\$745,847 37
do. dividends unclaimed	2,998 90	Real estate	49,909 60
do. dividend declared this day	14,960 25	Amount due from sundry banks	84,293 30
do. Schuylkill bank notes in circulation	285,974 77	Loan to city corporation	4,300 00
do. due to sundry banks	62,572 07	Cash on hand, viz.	101,467 36
do. do. depositors	276,357 29	Specie	178,853 71
Profit and loss, surplus fund	23,733 06	Notes of other banks	
	<u>\$1,164,971 34</u>		<u>\$1,164,671 33</u>

Rate and amount of dividends declared, viz.

May 6, 1892, three per cent on capital of	\$400,000	\$12,000
November 4, 1892, three per cent. on capital of	498,675	14,960 25

# *SILVER LAKE BANK, November 4, 1892.*

To capital stock belonging to individuals	\$42,417 50	By notes discounted, judgments and interest thereon	\$71,656 81
Silver Lake bills in circulation	21,773 00	Foreign bills	445 00
Dividends unpaid	1,376 77	Real and personal estate	5,000 00
Debt to Commercial Bank of Pennsylvania	10,000 00	Amount in hands of agents	5,520 00
Interest on the same	1,621 36	Balances outstanding over drawn	9,689 10
Interest on bills of this bank deposited	1,140 85		
Interest on endorsed bills	587 71		
Deposits	9,508 86		
Balance to credit of profit and loss	3,934 86		
	<hr/>		
	\$92,310 91		<hr/>
			\$92,3 0 91

Amount of dividend first Monday November, 1892,  $\frac{1}{2}$  per cent. \$164 75  
None declared in May. Tax of eight per cent. on do. 08  


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\$13 18

# WESTMORELAND BANK OF PENNSYLVANIA, November 4, 1892.

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Bills discounted  
Real estate  
Specie  
Foreign notes

\$168,326 50	Stock	\$111,963 00
11,600 00	Notes in circulation	37,252 00
13,848 02	Profit and loss	5,054 85
3,757 00	Discounts received	2,788 90
	Dividends unpaid	1,015 51
	Deposits	39,457 26
<hr/>		<hr/>
\$197,531 52		\$197,531 52

On the 6th of May, 1892, a dividend of three per cent. for the last half year, was declared, amounting to \$3,358 89  
On the 4th of November, 1892, do. \$3,358 89

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\$6,717 78

# **YORK BANK, November 4, 1892.**

Banking house	\$10,370 80	Capital	\$192,940 00
Bills and notes discounted	261,938 78	Surplus profits	7,104 94
Silver and gold	99,966 91	Balances due sundry banks	1-616 43
Foreign paper and balances due from sundry banks	21,585 30	Individual deposits	125,070 42
Water stock	30 00	Our notes in circulation	91,660 00
York Bank stock	24,220 00		
	<hr/>		
	\$418,381 79		<hr/>
			\$418,381 79

Dividends declared the preceding year, viz.

May 6, on \$192,940, a 3½ per cent.	\$6,752 90
November 4, on \$192,940, a 3¼ per cent,	6,752 90

Ordered to lie on the table.

Adjourned until 10 o'clock, to-morrow morning.

**Tuesday, January 14, 1823.**

Mr. Eyster presented a remonstrance from sundry Roman Catholics of Adams county. against any alteration being made in the charter of St Mary's church, which was read and laid on the table.

Mr. Barnard presented a petition, from Samuel Cochran, Guardian of the minor heirs of the late James Dunlap of Chester county, praying to be authorised to make a title for certain real estate, on behalf of said minors.

And said petition was read and referred to Messrs. Barnard, Duncan and Orr.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared and on the 13th instant, presented to the Governor for his approbation, the bills entitled, as follow, to wit:

"An act for the relief of Henry Miller and David Bower, revolutionary soldiers."

"An act granting compensation to Adam Koch, for a tract of donation land,"

"An act for the relief of Joseph Fox, a revolutionary soldier."

"An act for the relief of the contractors for building the Cone-maugh bridge and the bridge over the West Branch of the river Susquehanna, at or near the mouth of Anderson's creek."

"A supplement to the act entitled "An act to authorise the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's Ferry, in the county of Lancaster."

Ordered to lie on the table.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred, a petition on the subject, reported a bill, No. 63, entitled "An act authorising the Governor to appoint commissioners to view and lay out a state road, from Greensburg, in Greene county, to Alexandria, in Washington county."

Mr. M'Meens, from the same committee, to whom had been referred an item of unfinished business, on the subject, reported a bill, No. 64, entitled "An act authorising the Governor to appoint commissioners to view and lay out a state road in Washington and Greene counties."

And said bills were read the first time.

Mr. Wurts, from the committee to whom had been referred a petition on the subject, on leave given, reported a bill. No. 65. entitled "An act to authorise the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate."

Which was read the first time.

The Clerk of the House of Representatives being introduced, informed, that the House of Representatives, recede from their

non-concurrence in the amendment by the Senate, to the bill entitled "An act for the relief of Dennis Dailey, Andrew Reed and Reuben Cook, revolutionary soldiers;" and that they have concurred in the said amendment."

The bill, No. 35, from the House of Representatives entitled "A supplement to the act entitled 'An act providing for the inspection of spirituous liquors,'" was read a third time, and,

*Resolved* that it pass; and

*Ordered*, That the Clerk return said bill to the House of Representatives with information that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

The bill, No. 53, entitled "A supplement to the several acts of the Legislature, regulating fisheries, in the river Delaware," was read a third time, and

*Resolved*, That it pass.

The bill, No. 1, re-printed 58, entitled "A further supplement to the act entitled "An act to raise and collect county rates and levies," was read a third time; and

On the question,

Shall the bill pass?

A motion was made by Mr. R. Smith and Mr. Shulze, that the Senate again resolve itself into a committee of the whole, on said bill, for the purpose of striking out the 5th section,

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on said bill.

And after some time, the committee rose, and reported section 5, *negatived*,

Which was agreed to.

The question again recurring,

Shall the bill pass?

It was determined in the affirmative; And

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

The Senate resumed the second reading and consideration of bill, No. 23, from the House of Representatives, postponed yesterday, entitled "An act authorising a sale of the real estate of Jacob Miller, deceased."

Section 1, recurring and being under consideration,

A motion was made, by Mr. Shulze and Mr. Allshouse, to amend the same, by adding to the end thereof, the following:

"*Provided*, That Abraham Addams, the father and guardian of Ann Elizabeth and Lydia Addams, minor daughter's, under the age of fourteen years, shall previously to the receiving of the money arising out of the sale of the real estate of said intestate, enter into recognizance, before the orphans' court of Perry county, conditioned for the faithful application of the moneys coming into



his hands, for the sole and exclusive use of the said minor children, in such manner as may best promote their interest."

Which was agreed to. And

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required, by Mr. W. R. Smith and Mr. Shulze, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Brewster,  
Eichelberger  
Eyster,  
Feger,  
Hill,  
Mahon,  
Mann,

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,

**YEAS.**

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
R. Smith,  
Winter.  
Marks, speaker—15.

**NAYS.**

Messrs. Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—9.

So it was determined in the affirmative. And,  
The section, as amended, was then agreed to.

The title was agreed to, and

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 54, from the House of Representatives, entitled  
"An act for the relief of Mary M'Curdy, widow of William  
M'Curdy, a captain in the revolutionary war," was read a second  
time, as reported by a committee of the whole yesterday.

The section and title were severally considered and agreed to; and

On the question,

Shall said bill be prepared for a third reading?

The yeas and nays were required by Mr. Barnard and Mr.  
Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Coleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,  
Hill,  
Mahon,

**YEAS.**

Messrs. Mann,  
M'Meens,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Winter,  
Marks, speaker—23.

## NAYS.

## NAYS.

Mr. Wurts.—1.

So it was determined in the affirmative.

The bill, No. 45, from the House of Representatives, entitled "A supplement to an act entitled "An act declaring Wysox creek from the mouth thereof, to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway," was read a second time, as reported by a committee of the whole yesterday; and

The section and title were severally considered, and agreed to. *Ordered*, That said bill be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 25, entitled "An act granting compensation to Josiah Lewis, for certain lands certified to Connecticut claimants, in the Seventeen Townships, in Luzerne county."

And, after some time, the committee rose and reported the bill, without amendment.

Mr. Holgate and Mr. J. Cochran, a committee from the House of Representatives, being introduced, informed the Senate that the chamber of that house is now ready to receive the members of the Senate, in order to go into a joint meeting, for the purpose of electing a State Treasurer, for the ensuing year,

Whereupon, on motion,

The Senate withdrew to the chamber of the House of Representatives, for the purpose aforesaid.

## SAME DAY.

The Senate having returned to their chamber,

Mr. Barnard, teller on behalf of the Senate, to officiate at the election of State Treasurer, made report, which was read as follows, to wit:

That at a meeting of the members of both Houses of the Legislature, held this day, agreeably to law, in the chamber of the House of Representatives, for the purpose of electing a State Treasurer, it appeared upon counting the votes given, that William Clark was duly elected.

The members present voting as follow:

Mr. Marks, speaker, Mr. Eyster,  
Allshouse, Keger,  
Barnard, Henderson,  
Brewster, Hill,  
Cadwallader, Mahon,  
Coleman, Mann,  
Dickerson, M<sup>rs</sup>. Meens,  
Duncan, Orr,  
Eichelberger,

Mr. Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Winter,  
Wurts.

Of the Senate; and

Mr. Addams  
 Anderson  
 Ashman  
 Audenreid  
 Baker  
 Beaumont  
 Boyd  
 Brown  
 Calvin  
 Cassat  
 Christy  
 Clarke  
 J. Cochran  
 W. Cochran  
 Colley  
 Conrad  
 Dale  
 Diven  
 Eisenhart  
 Eldred  
 Emlen  
 Fore  
 Forward  
 Geehr  
 Gillaspay  
 Gilmore  
 Gorgas  
 Hays  
 Hetrich  
 Holgate  
 Holliday

Mr. M. Hoover  
 Hopkins  
 J. S. Huber  
 Hutter  
 Hummel  
 Hyde  
 J. Jones  
 N. Jones  
 Jordan  
 Kendig  
 Kennedy  
 Keys  
 King  
 Kirk  
 Knight  
 Krause  
 Kurtz  
 S. Lawrence  
 Lehman  
 Lewis  
 M'Bride  
 M'Clure  
 M'Kinney  
 M'Nair  
 Markle  
 Miller  
 Morrison  
 Myer  
 Nixon  
 Oliver  
 Painter

Mr. Piper  
 Porter  
 Purdy  
 Rankin  
 Rahrer  
 Reynolds  
 Ritscher  
 Ritner  
 Roberts  
 Royer  
 Ryon  
 Schell  
 Seltzer  
 Shearer  
 Smith  
 Sterigere  
 Stevenson  
 Stinson  
 Sullivan  
 Sutherland  
 Taylor  
 Todd  
 Wadsworth  
 Wallace  
 Weston  
 Wierman  
 Williams  
 Wise  
 Wright  
 J. Lawrence, spr.

Of the House of Representatives, voted for William Clark.

Mr. Mitchell of the House of Representatives voted for Richard M. Cran;

That duplicate certificates of said election have been signed by the Speaker of the House of Representatives, as president of the joint meeting.

I. D. BARNARD,  
 Teller on the part of the Senate.

CHRISTIAN J. HUTTER,  
 Teller on the part of the House of Representatives.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 20, entitled "An act for the erection of an additional building for the accommodation of students, at Dickinson College, and for enlarging their chemical and philosophical apparatus."

And after some time, the committee rose, reported progress, and obtained leave to sit again to-morrow.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 51, from the House of Representatives, entitled "An act for the relief of Andrew M'Kee."

And after some time, the committee rose and reported said bill without amendment.

Adjourned until 10 o'clock, to-morrow morning.

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## Wednesday, January 16, 1823.

The Speaker informed the Senate, that at the early commencement of the session, he had received information of the death of Andrew Albright, a Senator elect from the counties of Northumberland and Union, and that he had thereupon issued his writs of elections, directing the sheriffs of the several counties composing the said district, to hold elections to supply said vacancy; and in pursuance thereof, a return had been made to the office of the Secretary of the Commonwealth.

Whereupon,

Said return was read, by which it appeared that Lewis Dewart was duly elected a Senator for said district, in the place of Andrew Albright, deceased.

Mr. Dewart appeared and took his seat; the requisite oaths being first administered to him by the Speaker.

Mr. Barnard asked and obtained leave of absence for a few days.

Mr. Coleman presented a remonstrance from a number of Roman Catholics of Elizabethtown, Lancaster county, against any alteration being made in the charter of St. Mary's Church.

Mr. Mahon presented a remonstrance of the same tenor with the foregoing, from sundry Roman Catholics of Carlisle.

And said remonstrances were read and laid on the table.

Mr. Mahon presented a petition from Esther Cummins, of Dauphin county, praying to be divorced from the bonds of matrimony.

Which was read and referred to Messrs. Mahon, Coleman, Robertson, Hill and Feger.

Mr. Feger presented a petition from Henry B. Sage, of Reading, Berks county, praying to be divorced from the bonds of matrimony.

Which was read and referred to the same committee with the foregoing.

Mr. Robertson presented a memorial from Abraham Small, of Philadelphia, praying the state to subscribe for such number of Sergeant & Rawle's Reports, as they may deem proper.

And said petition was read and referred to Messrs. Robertson, B. Smith and Dewart.

Mr. Coleman presented a petition from sundry citizens of Lancaster county, praying that the law establishing the district court in the city and county of Lancaster, may be continued; and the jurisdiction of the court extended;

Which was read and referred to the committee on the judiciary system.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, viz:

"An act for the relief of the contractors for building the Conemaugh bridge and the bridge over the West Branch of Susquehanna, at or near the mouth of Anderson's creek."

"A supplement to the act entitled "An act to authorise the Governor of this Commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's Ferry, in the county of Lancaster."

"An act for the relief of Henry Miller and David Bower, revolutionary soldiers."

"An act granting compensation to Adam Koch, for a tract of donation land."

"An act for the relief of Joseph Fox, a revolutionary soldier."

JOSEPH HIESTER,

*Harrisburg, January 14, 1823.*

Ordered to lie on the table.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments by the Senate to the bill entitled

"A supplement to the act entitled "An act providing for the inspection of spirituous liquors."

Laid on the table.

Mr. Dickerson, from the committee to whom had been referred on the 18th instant, a petition on the subject, on leave given, reported a bill, No. 66, entitled "A supplement to an act entitled "An act to regulate the inspection of flour in certain western counties of the state," passed the 30th day of September, 1791.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred on the 21st ultimo, a petition on the subject, reported a bill, No. 67, entitled "An act to authorise the laying out a state road from Concord, in Franklin county, to Drake's ferry in Huntingdon county.

Mr. Barnard, from the committee to whom had been referred, on the 14th instant, a petition on the subject, on leave given, re-

ported a bill, No. 69, entitled "An act to authorise the sale of the interest of minor children, in certain real estate."

Mr. Duncan read in his place, and, on leave given, presented to the chair, a bill, No. 71, entitled "A supplement to an act to compel assignees to settle their accounts, and for other purposes."

Mr. Barnard, from the committee to whom had been recommit-  
ted, on the 10th instant, the bill on the subject, reported a bill,  
No. 68, entitled "An act to incorporate the Farmers Brewing Com-  
pany."

Mr. Barnard from the committee to whom was referred the message  
of the Governor of the 13th of December last, and the documents ac-  
companying the same, relative to certain loans made the by Philadel-  
phia Bank to this commonwealth; and also the report of the State  
Treasurer made in pursuance of a resolution of the Senate of  
the 7th instant, containing a statement of the loans made to the  
state and remaining unpaid, made REPORT:

That they have had the subject under consideration, and  
find that by the act of assembly of the 23d of March, 1818,  
the Governor was authorised to negotiate a loan or loans to an  
amount not exceeding \$150,000, and the faith of the state was  
pledged for the reimbursement thereof within four years; that by  
virtue of said act, the Governor made the following loans, the  
two first at an interest of five per cent. and the last at an inter-  
est of six per cent. per annum, payable within four years, viz.

April 10, 1818, of the Philadelphia Bank	\$50,000
November 27, 1818, of the same bank	50,000
December 21, 1818, of the Pennsylvania Bank	50,000

These loans severally became due on the 10th of April, 27th  
of November and 21st of December, 1822, and are yet unpaid.  
The interest on the two first loans as appears by the Treasurer's  
letter of the 11th of September, 1822, to the cashier of the Phil-  
adelphia Bank, has not been paid subsequent to the time they be-  
came due, for the reasons stated in that letter, and it is presumed  
that the Treasurer has declined payment of the interest on the  
last loan, since it became due, for the same reasons. The Gover-  
nor it would seem by the message referred to us, did not consider  
himself authorised to direct the payment of the two first loans  
after the time for payment had arrived according to the contracts  
with the banks; and the last loan remains unpaid, we presume, for  
the same cause. The faith of the state was however pledged for  
their repayment in the act before referred to within the said term  
of four years, and every engagement made by the state should be  
inviolably observed; your committee, therefore, to remove doubts  
and objections on the subject, think it advisable to direct by law  
the immediate payment of said loans with interest.

By the Treasurer's report, it appears that a further sum of mo-  
ney borrowed by the state, amounting to \$150,000, will be due be-  
fore the meeting of the next Legislature, to be paid in three instal-  
ments, on or before the 2d of April, 10th of June and 27th of  
October, 1823; and to preserve the faith of the state and prevent  
all further difficulty in the payments, thereof your committee think

that the Governor should be directed by law to cause the same to be paid at the time, the instalments severally became due.

By the Governor's message to the Legislature at the commencement of the present session, it is stated that there was in the Treasury on the first of December last, the sum of \$384,038 84, if then the sum of \$150,000; now due, is directed to be paid, there will be a balance remaining of \$184,038 84, if however any new loans may be necessary to meet the demands upon the Treasury, it is the province of the Governor to recommend them to the Legislature.

Your committee therefore, ask leave to report a bill to direct the Governor to pay the debts of the commonwealth, now due and to become due hereafter.

On motion,

Said report was read a second time and adopted.

The committee reported a bill, No. 70, entitled "An act directing the Governor to pay certain debts of this commonwealth."

And said bills were read the first time.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his signature, reported:

That, in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor, for his approbation, the bills entitled as follow, to wit:

"An act for the relief of Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers."

"A supplement to the act entitled, "An act providing for the inspection of spirituous liquors."

"Resolution relative to the copperplates of the state map of Pennsylvania, and the printed maps of the state now in the hands of the representatives of the late John Melish, deceased."

Laid on the table.

The bill, No. 54, from the House of Representatives, entitled "An act for the relief of Mary M'Curdy, widow of William M'Curdy, a captain in the revolutionary war," was read a third time. And,

*Resolved*, That it pass.

The bill, No. 23, from the House of Representatives, entitled "An act authorising a sale of the real estate of Jacob Miller, deceased," was read a third time. And,

On the question,

Shall said bill pass?

The yeas and nays were required, Mr. W. R. Smith and Mr. Power, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Dewart,  
Eichelberger,

#### YEAS.

Messrs. Eyster,  
Feger,  
Hill,  
Mahon,  
Mann,

**YEAS.**

Messrs. M'Means,  
Orr,  
Power,  
Shulze,

**YEAS.**

Messrs. R. Smith,  
Winter,  
Marks, speaker.—17.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,

**NAYS.**

Messrs. Robertson,  
W. R. Smith,  
St. Clair,  
Warts,—9.

So it was determined in the affirmative.

The bill, No. 45, from the House of Representatives, entitled "A supplement to an act entitled 'An act declaring Wycox creek, from the mouth thereof to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway,'" was read a third time.

*Resolved.* That it pass.

*Ordered,* That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, the former without and the two latter with amendments, in which the concurrence of that house is requested.

The bill, No. 25, from the House of Representatives, entitled "An act granting compensation to Josiah Lewis, for certain lands certified to Connecticut claimants, in the Seventeen Townships, in Luzerne county," was read a second time.

When a motion was made, by Mr. R. Smith and Mr. Dickerson, to postpone the same for the present, which was agreed to,

The bill, No. 51, from the House of Representatives, entitled "An act for the relief of Andrew M'Kee," was read a second time.

Section I being under consideration;

A motion was made by Mr. M'Means and Mr. Dickerson, to amend the same, by striking out of the fifth line the words *seven hundred and sixty*; and insert in lieu thereof, *three hundred*.

Whereupon,

A division of the question was called for, by Mr. R. Smith, to end with striking out.

On the question,

Will the Senate agree so to strike out?

A motion was made by Mr. M'Means and Mr. Orr, to postpone the further consideration of said bill, until to-morrow; which was agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 20, entitled "An act for the erection of an additional building, for the accommodation of students, at Dickinson College, and for enlarging their chemical and philosophical apparatus."

And after some time the committee rose, reported progress and obtained leave to sit again, on Wednesday the 22d instant.

Adjourned until 10 o'clock, to-morrow morning,



Thursday, January 16, 1828.

Mr. Duncan presented a petition from the Pennsylvania Agricultural Society, composed of citizens of the counties of Philadelphia, Chester, Bucks, Montgomery and Delaware, praying for an act of incorporation, and that the grants made to said counties by the act of 30th March, 1821, may be transferred to said society;

Which was read and referred to the committee on agriculture,

Mr. Wurts presented two petitions of similar tenor, relative to the Schaylkil Coal Company.

Mr. Robertson presented two petitions of the same tenor, of similar import with the foregoing.

And said petitions were read and laid on the table.

The Speaker laid before the Senate a letter from John Bioren, proposing to furnish eighty copies of Smith's edition of the laws, at the rate of fourteen dollars per copy;

Which was read and laid on the table.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been re-committed, on the 11th instant, the bill on the subject, reported a bill, No. 72, entitled "An act to incorporate a company to erect a Rail Road from Harrisburg to Pittsburg."

Mr. M'Meens, from the same committee to whom had been referred on the 14th instant, a petition on the subject, reported a bill, No. 73, entitled "An act authorising the State Treasurer, to pay to Joseph Barnet, a contractor on the Berks and Dauphin Turnpike Road Company, a certain sum of money."

Mr. M'Meens, from the same committee to whom had been referred on the 8th instant, petitions on the subject, reported a bill, No. 74, entitled "An act authorising a review of certain state roads."

And said bills were read the first time.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments by the Senate to the bills entitled

"An act authorising a sale of the real estate of Jacob Miller, deceased."

"A supplement to an act entitled "An act declaring Wysox creek, from the mouth thereof to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway."

Laid on the table.

The Senate resumed the second reading and consideration of bill, No. 51, entitled "An act for the relief of Andrew M'Kee," postponed yesterday.

The question recurring,

Will the Senate agree to strike out?

The yeas and nays were required, by Mr. Hill and Mr. Orr, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

**NAYS.**

Messrs. Brewster,  
Feger,  
Henderson,  
Hill,  
Mahon,

**YEAS.**

Messrs. Mann,  
M'Meens,  
Robertson,  
St. Clair,  
Winter,  
Wurts.—13.

**NAYS.**

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Marks, speaker.—16.

So it was determined in the affirmative.

A motion was then made, by Mr. Dickerson and Mr. M'Meens, to fill the blank with 570 dollars.

Mr. R. Smith named 750 dollars.

On the question,

Will the Senate agree to fill the blank with "750 dollars?"

The yeas and nays were required, by Mr. Dickerson and Mr. Brewster, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Brewster,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,  
Hill,

**NAYS.**

Messrs. Coleman,  
Dewart,  
Dickerson,  
Duncan,

**YEAS.**

Messrs. Mahon,  
Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—14.

**NAYS.**

Messrs. Mann,  
M'Meens,  
Robertson,  
St. Clair.—8.

So it was determined in the affirmative.

The section, as amended, was then agreed to.

The title was agreed to; and,

*Ordered*, That said bill be prepared for a third reading.

On motion,

The Senate again resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill, No. 32, entitled "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford Turnpike Road Companies."

And after some time, the committee rose, and reported said bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 39, from the House of Representatives, entitled "A supplement to an act to incorporate a company for making a turnpike road from Butler to Franklin."

And after some time, the committee rose, reported progress, and obtained leave to sit again, on the 23d instant.

Adjourned until 10 o'clock, to-morrow morning.

## Friday, January 17, 1823.

Mr. Coleman presented a memorial from sundry Roman Catholics of Lancaster, remonstrating against any alteration being made in the charter of St. Mary's church.

Mr. Robertson presented a remonstrance from sundry owners of coal land on the river Schuylkill, against an act of incorporation being granted to the "Schuylkill Coal Company."

Mr. Wurts presented a memorial from sundry brewers of the city of Philadelphia, remonstrating against an act of incorporation being granted to the "Farmers Brewing Company."

And said memorials and remonstrance were read and laid on the table.

Mr. Wurts presented a petition from a number of the inhabitants of the city and county of Philadelphia, praying that the select and common councils of the city of Philadelphia, the commissioners of the district of Southwark, the district of the Northern Liberties, of Penn township, and of Kensington, may be authorised to elect the managers of the Alms-house, with authority to appoint its officers.

And said petition was read and referred to the members from the city and county of Philadelphia.

Mr. Mahon, from the committee to whom had been referred on the 15th instant, a petition on the subject, reported a bill, No. 75, entitled "An act to annul the marriage contract of Francis D. Cummins and Esther his wife."

Which was read the first time.

The bill, No. 51, from the House of Representatives, entitled "An act for the relief of Andrew M'Kee," was read a third time.

*Resolved*, That it pass; and

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same with an amendment, in which the concurrence of the house is requested.

The bill, No. 32, entitled "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford Turnpike Road Companies," was read a second time as reported by a committee of the whole yesterday.

Section 1 being under consideration;

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. R. Smith and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Allabouse,  
Brewster,  
Dewart,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Hill,

**YEAS.**

Messrs. Mahon,  
M'Means,  
Orr,  
Shulze,  
St. Clair,  
Winter,  
Marks, speaker.—15

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,  
Mann,

**NAYS.**

Messrs. Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts—11.

So it was determined in the affirmative.

The title was then agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Hill and Mr. Dickerson,

*Resolved*, That a committee be appointed to consider and report a mode of carrying into effect, section nine, of article first of the Constitution of this Commonwealth, relative to the classification of the senators returned under the last enumeration.

*Ordered*, That Messrs. Hill, M'Means and Wurts, be that committee

On motion of Mr. Brewster and Mr. M'Means, the petition from the stockholders in the Silver Lake Bank, presented on the 13th instant, was referred to Messrs. Brewster, R. Smith and Power.

The Clerk of the House of Representatives, being introduced, informed that the House of Representatives have concurred in the amendment by the Senate, to the bill entitled

"An act for the relief of Andrew M'Kee."

Laid on the table.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill, No. 57, entitled "A supplement to the act entitled "An act establishing an Academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes."

And after some time, the committee rose and reported said bill without amendment.

Adjourned until 10 o'clock, to-morrow morning!

Saturday, January 18, 1823.

Mr. Robertson presented a memorial from sundry citizens of the city and county of Philadelphia, remonstrating against granting a charter to the Schuylkill Coal Company.

Which was read and laid on the table.

Mr. Duncan presented a remonstrance from the Chamber of Commerce of the city of Philadelphia, against any alteration being made in the law relative to the erection of a bridge over a part of the river Delaware, opposite the said city.

Mr. Wurts presented a remonstrance of similar import with the foregoing, from the board of Wardens of the Port of Philadelphia.

And said remonstrances were read and referred to the members from the city and county of Philadelphia.

Mr. Mahon, from the committee to whom was referred on the 15th instant, the petition of Henry B. Sage, praying to be divorced from the bonds of matrimony, made report,

That they have bestowed upon the subject, all the attention its merits demand, and deem it inexpedient to grant the prayer of the petitioner; the committee therefore submit the following resolutions:

*Resolved*, That the petitioner have leave to withdraw his petition and documents.

On motion,

Said resolution was read a second time, and adopted.

Mr. W. R. Smith, from the committee on the judiciary system, to whom had been referred on the 15th instant, a petition on the subject, reported a bill, No. 76, entitled "A supplement to the act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

Mr. Wurts, from the committee to whom had been referred on the 6th instant, a petition on the subject, on leave given, reported a bill, No. 77, entitled "An act to authorise and empower Dorothea Smith, administratrix, of Jacob Smith, deceased, to convey certain real estate."

Which bills were read the first time.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day, presented to the Governor for his approbation, the bills entitled as follow, to wit:

"A supplement to the act entitled "An act declaring Wysox creek from the mouth thereof to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway."

"An act authorising a sale of the real estate of Jacob Miller, deceased."

"An act for the relief of Andrew M'Kee."

"An act for the relief of Mary M'Curdy, widow of William M'Curdy, a captain in the revolutionary war."

Laid on the table.

Mr. Hill, from the committee appointed for that purpose, made report:

That the seats of eight of the senators will be vacated in October, 1823. The seats of eight others will be vacated in October, 1824, and that the seats of seven others will be vacated in October, 1825; leaving the seats of eight of the former number of senators to be vacated in 1826. Therefore

*Resolved*, That the members elected to represent the eleventh and twenty-fourth senatorial districts, shall draw lots on paper tickets, numbered three and four, at the speaker's desk, which will place the member drawing number three in that class of senators whose seats will be vacated in 1825, and the member drawing number four, in that class whose seats will be vacated in 1826.

On motion,

Said resolution was again read, considered and adopted.

The Senate then proceeded to the classification of the senators returned under the last enumeration, when it appeared by the tickets drawn, that the terms of service of said senators respectively, will expire, as follow, to wit:

Jonah Brewster, in the year 1825.

Robert Orr, 1826.

Whereupon,

The Speaker declared that the respective terms of service of said senators will expire accordingly.

The bill, No. 32, entitled "An act to repeal the act entitled 'An act relative to the appropriation made to the Northumberland and Waterford Turnpike Road Companies,'" was read a third time; and

On the question,

Shall said bill pass?

The yeas and nays were required, by Mr. R. Smith and Mr. Winter, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Brewster,  
Dewart,  
Eichelberger;  
Eyster,  
Feger,  
Fry,

#### NAYS.

Messrs. Cadwallader,  
Dickerson,  
Duncan,  
Henderson,  
Mann,

#### YEAS.

Messrs. Hill,  
Mahon,  
M'Meens,  
Orr,  
St. Clair,  
Winter,  
Marks, speaker.—14.

#### NAYS.

Messrs. Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.









S

ber

Bugles  
Sergeants' swords  
Buff belts for do.

**Tuesday, January 21, 1823.**

Mr. Hubley obtained leave of absence for Mr. Eger, for a few days.

Mr. Eyster presented two remonstrances, of similar tenor, from sundry Roman Catholics of York and Adams counties, against any alteration being made in the charter of St. Mary's church.

Mr. Robertson presented a remonstrance, from sundry citizens of Philadelphia, against an act of incorporation being granted to the Schuylkill Coal Company.

And said remonstrances were read and laid on the table.

Mr. Hill presented a petition from William Greer, of Harrisburg, proposing to print the pamphlet laws of the present and two next succeeding sessions of the Legislature, at 37 dollars per sheet, or at 800 dollars for three thousand copies, exclusive of stitching.

Which was read and referred to the committee who have that subject under consideration.

Mr. Orr presented a petition from sundry citizens of Westmoreland and Armstrong counties, praying legislative aid for making a road from the town of Greensburg, in Westmoreland county, to the town of Kittanning, in Armstrong county;

Which was read and referred to the committee on roads, bridges and inland navigation.

Mr. R. Smith, from the committee to whom had been referred, on the 20th instant, a petition on the subject, reported a bill, No. 80, entitled "An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg Turnpike road Company."

Which was read the first time.

The bill, No. 66, entitled "A supplement to the act entitled 'An act to regulate the inspection of flour in certain western counties of the state, passed the thirtieth day of September, one thousand seven hundred and ninety-one, was read a third time; and

*Resolved.* That it pass.

*Ordered.* That the Clerk present said bill to the House of Representatives for concurrence.

The bill, No. 65, entitled "An act to authorise the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate," was read a second time, as reported by a committee of the whole, yesterday.

The section and title were severally considered and agreed to; and

*Ordered.* That said bill be transcribed for a third reading.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill, No. 59, from the House of Representatives, entitled "An act to incorporate the Gettysburg Water Company."

And, after some time, the committee rose and reported said bill, with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hubley in the chair, on bill, No. 72, entitled "An act to incorporate a company to erect a Rail Road from Harrisburg to Pittsburg."

And after some time, the committee rose and reported said bill with amendments.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts and resolutions of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, viz.

"An act for the relief of Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers."

A supplement to the act entitled "An act providing for the inspection of spirituous liquors."

"Resolution respecting the copper-plates of the state map, and also all the copies of the state map belonging to the Commonwealth; now in the hands of the representatives of John Melish, deceased.

JOSEPH HIESTER,

*Harrisburg, January 16, 1823.*

Laid on the table.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 43, from the House of Representatives, entitled "An act authorising John Rupley, to sell certain real estate, the property of Martin and Sarah Houser, minors."

And after some time, the committee rose, and reported the bill negatived.

On the question,

Will the Senate agree to the report?

A motion was made by Mr. Mahon and Mr. Winter, that said report be postponed for the present;

Which was agreed to.

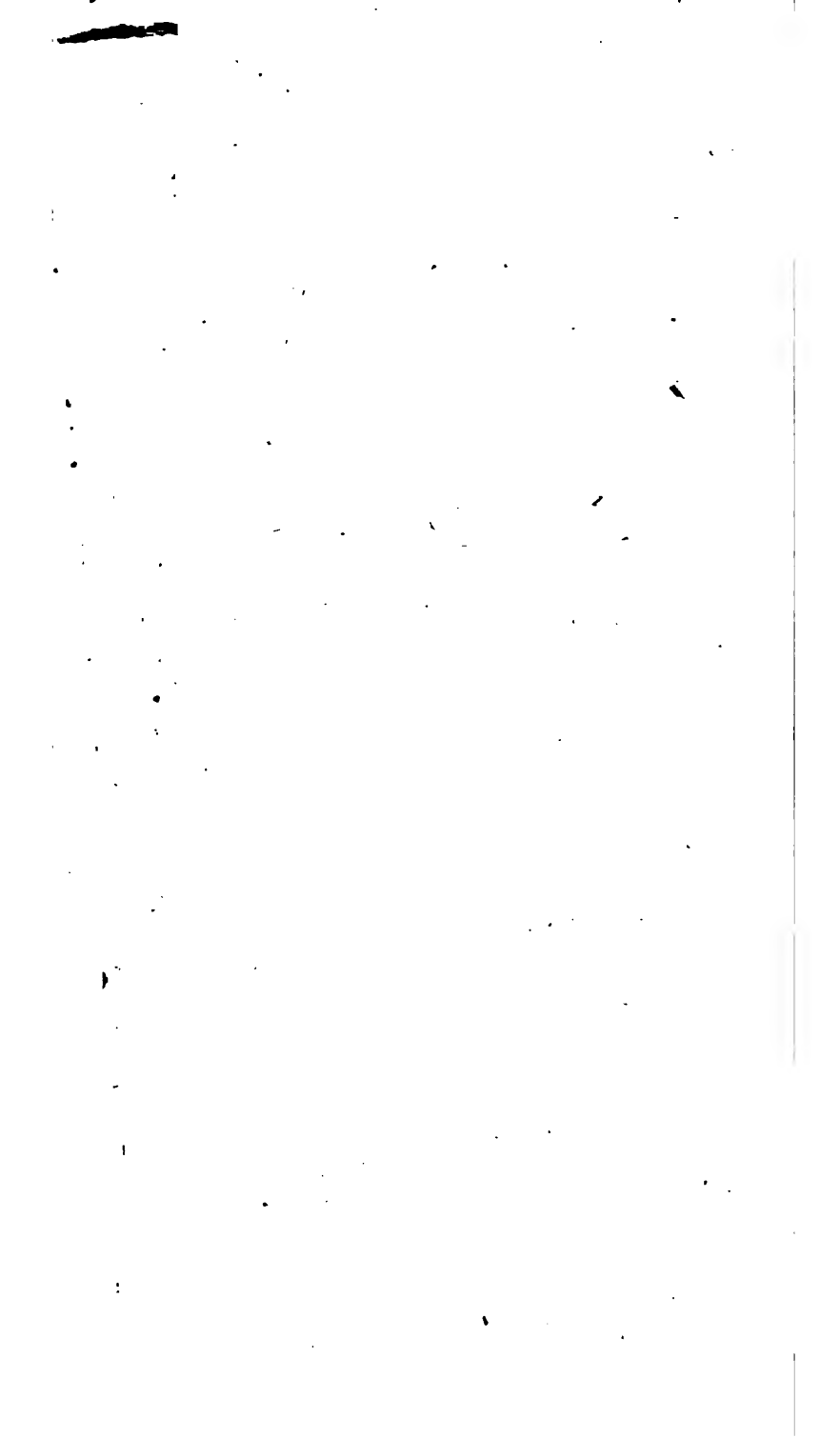
The Secretary of the Commonwealth being introduced, presented a message and documents from the Governor, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives, in which they originated, viz:







**RETURN of the Ordnance, Camp Equipage and Military Stores, the property of the Commonwealth of Pennsylvania, deposited in the State Arsenals, and in the several Brigades.**

ARTICLES.	Arsenals at Philadelphia					Meadville.	In Brigades.	Total reported.
Field Pieces	2	1						3
12 pounders, brass								1
9 pounders, brass								9
6 pounders, brass								5
6 pounders, iron								18
4 pounders, brass								8
9 and 6 pounders, iron, dismounted and unfit for service.								25
Repeating swivels	7							500
Do. muskets	25							17,946
Muskets in good order	500							6,096
Do. in bad order	2,564							199
Rifles, in good order	3,753							1,829
Do. in bad order	199							34
Colours, new	1,130							82
Do. old								588
Drums								949
Fifes								70
Bugles	12							47
Sergeants' swords								259
Buff belts for do.	47							



# RETURN OF ORDNANCE, &c.—Continued.

JOURNAL OF

ARTICLES.		Arsenals at Philadelphia	Harrisburg.	Meadeville.	In Brigades	Total reported.
Gunners belts		33				33
Bricoles		6				6
Handspikes		12				12
Linstocks and port-fire stocks		22				22
Sponge buckets		8				8
Trail ropes		4				4
Tub boxes		6				6
Rammers and sponges and rammers and brushes		17				17
Scoops and worms		3				3
Cartridge boxes		9,676	511	142	4,160	14,489
Belts for do.		8,847	959		4,552	14,358
Bayonet scabbards		2,105	993		805	13,905
Belts for do.		2,105	1,180		766	14,051
Screw drivers		625				625
Brushes and wires		1,000				11,000
Gun wipers		302	25			2,027
Bullet moulds			18			37
Do. ladles		44				5
Do pouches		941				189
Do powder horns		1,008				164
Tomahawks						47

## RETURN OF ORDINANCE, &amp;c.—Continued.

ARTICLES.	Arsenals at Philadelphia.						In Brigades.	Total reported.
Scabbards for tomahawks	65							55
Scalping knives	54							54
Common tents	2,391						53	3,331
Wall do. with flies	327							827
Hospital do.	1							1
Bell do.	4							4
Tent poles, setts	2,623						53	3,593
Do. pins setts	2,623							3,702
Mallets	508						4	528
Knapsacks	9,683						175	12,145
Canteens	9,479						71	10,734
Haversacks	7,175							7,175
Camp kettles, iron	1,203						73	2,203
Mess Pans, iron	1,561						94	1,620
Tin pans and kettles						178		154
Axes						154		654
Broad axes						481		1
Spades and shovels	199							232
Picks and mattocks	52							86
Cannon ball for 12 pounders	1,316							1,316
do. 9 pounders	381							331

## RETURN OF ORDINANCE, &amp;c.—Continued

ARTICLES.	Philadelphia.				In Brigades.	Total reported.
	Arsenals at Philadelphia.	Harrisburg.	Meadville.			
Cannon 6 pounds	2,092					2,092
Do. 4 pounds	61					61
Cannister shot for 12 pounds	20					20
Do 6 pounds	20					20
Do. 4 pounds	310					310
Double headed shot for 12 and 9 pounds	157					157
Strap shot for 12 pounds	96					96
Do. 6 pounds	287					287
Do. 4 pounds	181					181
Strap and cannister shot for 4 pounds, lbs.			1,400			1,400
Grape shot, one lb.	2,478					2,478
Do. half lb.	2,319					2,319
Boxes of port fires	10					10
Quill tube boxes	1					1
Kegs of musket balls	7					7
Do. Buck shot	3					3
Do. musket balls and buck shot, lbs.			150			150
Boxes and kegs, musket cartridges, damaged			7			7
Flints		10,000	1,200			11,200
Lead in pigs, lbs			1,000			1,000
Musket locks, unfinished		52				52

## RETURN OF ORDNANCE, &amp;c.—Continued.

ARTICLES.	Arenals at Philadelphia.		Harrisburg.		Meadville.		In Brigades.		Total reported.
Musket barrels, use less	-	-	15	51	46				
Do. stocks, use less	-	-	12	190	202				

Respectfully submitted,

ROBERT CARR,

*Adjutant General of the Militia of Pennsylvania.*

January 13, 1823.

Laid on the table.

Adjourned until 10 o'clock, to-morrow morning.

Wednesday, January 22, 1823.

Mr. Hill presented a petition from sundry citizens of Greene and Washington counties, similar to those heretofore presented, on the subject of the Greensburg and Alexandria road.

Mr. Duncan presented a petition from sundry citizens of the Commonwealth, praying for the improvement of the navigation of the river Susquehanna, and that legislative aid may be given to the Chesapeake and Delaware Canal Company.

Mr. Wurts presented a remonstrance, from sundry citizens of Philadelphia, against a charter being granted to the Schuylkill Coal Company.

And said petitions and remonstrance were read and laid on the table.

Mr. Wurts presented seven petitions of similar tenor, relative to the Chesapeake and Delaware canal.

Which were read and referred to the committee on roads, bridges and inland navigation.

The bill, No. 65, entitled "An act to authorise the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate," was read a third time; and

*Resolved*, That it pass.

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

On motion of Mr. Orr, and Mr. Dickerson, the following resolution was twice read, considered and adopted, to wit:

*"Resolved*, That the committee on the militia system be instructed to inquire into the expediency of limiting by law, a uniform price of colors and drums, which the respective brigade inspectors are by law authorized to purchase."

The bill, No. 59, from the House of Representatives, entitled "An act to incorporate the Gettysburg Water Company," was read a second time, as reported by a committee of the whole yesterday.

Section 1 being under consideration,

A motion was made by Mr. Hubley and Mr. Eyster, to amend the same, in the twenty-seventh line, by adding, after the word "do," the words "in the premises;"

Which was agreed to; and

The section as amended, was then agreed to.

Sections 2 to 7, inclusive, were severally considered and agreed to.

Section 8 being under consideration,

A motion was made by Mr. Eichelberger and Mr. Eyster, to amend the same, by adding to the end thereof, the following proviso, to wit:

*"Provided*, That whenever the clear annual income of the company shall exceed 15 per cent. on the capital stock, the water rents or sums of money charged for the use of water, shall be so lessened that the dividends shall in no case whatever exceed that rate;" and

The same being under consideration,

A motion was made by Mr. R. Smith and Mr. Mann, to amend the amendment, by striking out 15 and inserting 10 per cent.

Which was agreed to.

The amendment as amended, together with the section was then agreed to.

Sections 9 and 10 were considered and agreed to.

The preamble was considered and disagreed to.

The title was then agreed to; and

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 72, antitled "An act to incorporate a company to erect a Rail Road, from Harrisburg to Pittsburg," was read a second time, as reported by a committee of the whole yesterday.

Section 1 being under consideration,

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Dickerson and Mr. Winter;

Whereupon,

A motion was made by Mr. Hill and Mr. R. Smith, to postpone the question, together with the bill, for the present;

Which was agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 20, entitled "An act for the erection of an additional building, for the accommodation of students at Dickinson College, and for enlarging their chemical and philosophical apparatus."

And after some time, the committee rose, and reported said bill with amendments.

A motion was made by Mr. R. Smith and Mr. M'Meens, that when the Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon;

Which was agreed to.

Adjourned until that hour.

### *SAME DAY IN THE AFTERNOON.*

The Secretary of the Commonwealth being introduced, presented a message and documents from the Governor, which were read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have thought it my duty to lay before the Legislature the copy of a letter addressed to the Executive by the cashier of the Bank of Pennsylvania, respecting the loan of \$50,000, negotiated with that bank on the 18th day of December, 1818, for the use of the Commonwealth, under the authority of an act passed on the 23d day of March, 1818; and copies also of the copy

correspondence between the State Treasurer and Mr. Chauncey, which gave rise to that letter.

In submitting this subject to the consideration of the Legislature, I have deemed it proper to give a brief history of the proceedings with which it is connected; it being in my view a transaction of much importance, both as it respects the principles which it involves, and the public interest also which it affects.

The instalment of \$50,000 payable to the Bank of Pennsylvania, on the 21st ultimo, the payment of which is now demanded by the cashier of that institution, is part of the sum of \$590,000, due the Bank of Pennsylvania, and the Philadelphia Bank, for which loans were authorised by different acts of Assembly, passed during the administration of my predecessor in office. Of this amount \$480,000 were borrowed by the late Governor Findlay, and the remaining \$50,000 were borrowed since I came into office. Of the whole sum thus borrowed \$430,000 are at an interest of six per cent. per annum, and \$100,000 are at the rate of five per cent. per annum. This last mentioned sum was borrowed of the Philadelphia Bank, which by a provision in the act authorising its incorporation, passed on the 5th day of March, 1804, was bound to lend the Commonwealth that amount, at an interest of five per cent. per annum, for any period not exceeding ten years.

It appears from the terms of agreement made with the different banks at the several periods of borrowing, that a discretion was reserved in each case by the Executive agreeably, to the terms of the law, of reimbursing the principal of the loans before the expiration of the time limited for their payment, provided the situation of the treasury should admit of the exercise of such discretion; but there is no other power in any of the acts authorising these loans, nor has any authority been given by any subsequent act, which requires the executive to make payment; nor has any specific appropriation been made by the Legislature for that purpose. It is true the act of the 2d of April, 1821, contains a provision vesting the Executive with a discretionary power after the year 1821, respecting the payment of the six per cent. loans, but that power is not only confined to the six per cent. loans, but its operation, as to time, is limited to the recess of the Legislature, terminating with the commencement of the session, during which the Legislature alone possesses the power of determining on the expediency of payment; nor can it be presumed that the Legislature, under a full knowledge that the loan of \$100,000 contracted with the Philadelphia Bank, at an interest of five per cent. and that that bank was bound by its charter to lend that sum to the Commonwealth at that rate of interest for any period not exceeding ten years, intended to vest the Executive with power to pay off the five per cent. loans, before the time at which the bank could legally demand payment, so long as any portion of the six per cent. loans remained unpaid. In respect to the five per cent. loans negotiated with the Philadelphia Bank, I think it very questionable, whether that bank could, without a breach of contract

and good faith, demand payment of the principal, until the expiration of the period for which it was bound to lend, under the charter provision: but let the law on this question be what it may, the fact is, that no demand has been made by the bank for the payment of the principal. All they ask is the payment of the interest, and that interest has always been paid by the state Treasurer, until the 10th of April last, since which time he has declined paying it, assigning as a reason that he did not consider himself authorised to pay the interest after the principal had become due.

It also appears from the correspondence between the State Treasurer and the cashier of the Bank of Pennsylvania, that that institution, content with receiving its interest, was satisfied with the faith of the state, already pledged in the act authorising the loan, until payment of interest was refused by the treasurer of the state, and a demand of principal recommended to be made of the Governor, as a measure calculated to bring the business to a proper conclusion. The interest on these loans has always been paid by this officer without any warrant, or order from the executive: indeed any act or interference on his part, with a view of drawing money from the treasury, to pay either principal or interest, without an express authority given him for the purpose, would, in my opinion, form a dangerous precedent: one which I would be very unwilling to introduce; or even to be governed by, if it already existed.

As far as expediency of payment in the present case depended on Executive discretion, that discretion has been already exercised, and the result made known. It is even questionable whether that discretion, considered as vested in the Executive, has not been superseded or suspended by the act of April, 1822, which makes a new provision for discharging the six per cent loans, by authorising the State Treasurer and Auditor General to negotiate a loan of \$400,000 for that purpose, and vesting these officers not only with authority to borrow, but also with the power to pay. By a reference to the Journals of the House of Representatives of the last session, it appears that this act was predicated on reports of the committee of ways and means, whose peculiar duty it was to obtain all the information necessary for enabling them to provide for payment of claims on the government during the current year, and who in the course of their researches became possessed of a full view of the nature and respective situations of the several loans, and of the different acts of Assembly by which they were authorised.

As the case therefore to which the correspondence refers, does not in my opinion, fall within the sphere of executive power, but belongs more appropriately to the Legislature, whose peculiar province it is to devise the ways and means of providing for the public debt, and directing the mode of payment, that department of government will no doubt make such provision for meeting the exigency, as may be deemed proper.

In the communication which I had the honor of submitting to the Legislature at the commencement of the present session, the reasons were stated which governed my conduct during the re-



cess, in calling on the officers of the treasury department for the purpose of obtaining information of the state of the finances, and ascertaining whether any money could be safely drawn from the treasury to discharge the six per cent. loans. In that communication my opinion was expressed on the subject, as founded on the representation made by these officers, of the probable situation of the treasury on the 30th of November last, the end of the financial year. Taking into view the money on hand, the amount of outstanding appropriations, the probable demands on the treasury, and the failure of the commissioners appointed by law to obtain a loan of \$400,000, to discharge the six per cent. loans, it did not appear to me that any money in the treasury could with safety be applied to that object. Since that period the Legislature has been furnished with the annual report of the Auditor General, exhibiting a view of the actual state of the treasury on that day, and also of the appropriations then remaining unpaid; and in addition to this, with an estimate furnished by that officer, of the probable receipts at the treasury, and the demands to which it is subject during the current year, a considerable portion of which was created by acts of the Legislature during the two last preceding administrations.

To these documents and to the different acts of Assembly on the subject of loans, and to the act incorporating the Philadelphia Bank, I respectfully beg leave to refer. They will be found to contain all the information necessary to enable the Legislature to act in the premises, in such manner as will best conduce to the public good.

JOSEPH HIESTER.

January 22d, 1823.

TREASURY OFFICE,

January 8th, 1822.

SIR: I hasten to lay before you copies of the letters which have passed between the cashier of the Bank of Pennsylvania and myself, respecting the principal and interest of a loan of fifty thousand dollars which was negotiated under the provisions of an act of Assembly, passed the 23d of March, 1818, and which by the terms on which the loan was obtained, became due on the 21st ultimo.

I am with due respect,

Your obedient servant,

WILLIAM CLARK, *Treasurer*.

His Excellency,

The GOVERNOR of Pennsylvania.

PHILADELPHIA, January 1, 1823.

Commonwealth of Pennsylvania,

To Bank of Pennsylvania, Dr.,

1822

December 31. To six months interest on \$380,000

at six per cent. per annum } \$9,900

F. E.

BANK OF PENNSYLVANIA.

December 31, 1892.

DEAR SIR: Annexed, I hand you a statement of interest, for the last six months, ending this day, on the loans made by this bank to the Commonwealth of Pennsylvania, bearing an interest at the rate of six per cent. per annum, which if found correct, you will please to forward to me a check for the amount as soon as convenient.

I am, dear sir

With great respect,

Your obedient servant,

B. CHAUNCEY, *Cashier.*

WILLIAM CLARK, Esq.

Treasurer of the Commonwealth,

Harrisburg, Pennsylvania.

TREASURY OFFICE,

January 2, 1893.

DEAR SIR: Yours of the first instant, requiring my check for the amount of interest due the Bank of Pennsylvania, on the 31st December last, on the six per cent. loans, came duly to hand; and in return I transmit you, herein enclosed, a check on the Bank of Pennsylvania, for nine thousand eight hundred and ninety-one dollars and sixty-seven cents. You will please to observe, that of this amount, interest is only calculated on the loan of fifty thousand dollars, obtained for four years, under the act of the 23d of March, 1818, up to the 31st December last, at which period the said loan fell due. It is my opinion, that the chief magistrate of the state is the only person on whom you can call for either principal or interest of a loan after it falls due. I would therefore beg leave to recommend to you, to require payment of his Excellency the Governor; such a measure would, in my opinion, have the tendency to bring the business to a proper conclusion.

I have the honor to be,

With the highest consideration of respect,

Your obedient servant,

WILLIAM CLARK, *Treasurer.*

B. CHAUNCEY, Esq.

BANK OF PENNSYLVANIA,

January 6, 1893.

DEAR SIR: In consequence of your letter of the 2d instant, I am instructed, in behalf of the Bank of Pennsylvania, to require from you, as Treasurer of the Commonwealth, the payment of the principal of the loan of 50,000 dollars, made by this bank to the Commonwealth on the 21st of December, 1818, and which by the

terms of the contract became due on the 21st ultimo, together with the interest which may be due thereon.

I am, dear sir,

With great respect,

Your obedient servant,

E. CHAUNCEY, *Cashier.*

WILLIAM CLARK, Esq.

Treasurer of the Commonwealth,

Harrisburg, Pennsylvania.

**BANK OF PENNSYLVANIA.**

*January 6, 1893.*

SIR: By a letter this day received from the Treasurer of the Commonwealth, dated the 2d instant, a copy of which will be found enclosed, I am referred to your Excellency for the payment of interest, from the 21st ultimo, on the loan of 50,000 dollars, made by this bank to the Commonwealth of Pennsylvania, on the 21st of December, 1818.

In consequence of the Treasurer's letter, I am now instructed in behalf of the bank of Pennsylvania, to require from the Commonwealth, payment of the principal of said loan of 50,000 dollars, together with the interest which may be due thereon.

I have the honor to be,

With great respect, sir,

Your most obedient servant,

E. CHAUNCEY, *Cashier.*

To his Excellency,

The Governor of Pennsylvania,

Harrisburg Pennsylvania.

Laid on the table.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

**DEPARTMENT OF STATE,**

*Secretary's Office, January 22, 1893.*

SIR: I have to request you will be pleased to inform the Senate, that sundry depositions, interrogatories and cross examinations, taken in the case of David Moyer, Esquire, a justice of the peace of Berks county, before Robert Porter, Esquire, president and judge of the court of common pleas, for the third judicial district of this commonwealth, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case provided.

I have the honor to be,

Very respectfully,

Your obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, JR. Esq.

Speaker of the Senate,

Laid on the table.

Agreeably to order.

The Senate again resolved itself into a committee of the whole, Mr. Mahon in the chair, on bill, No. 62, entitled "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna, Juniata or their branches."

And after some time, the committee rose, reported progress and obtained leave to sit again on Saturday, the 25th instant.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 61, entitled "An act authorising the incorporation of a company, for the making of a turnpike road, from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville."

And after some time, the committee rose, and reported said bill with amendments.

Adjourned until 10 o'clock, to-morrow morning.

## Thursday, January 23, 1828.

Mr. Dewart presented a petition from "The Board of Directors of the Milton Academy," in the county of Northumberland, praying the Legislature to grant the sum of 1200 dollars, to aid in completing the same.

Which was read and referred to the committee on education.

Mr. Duncan presented a remonstrance from the select and common councils of the city of Philadelphia, against the erection of a bridge from Wind-mill Island to Camden, opposite the said city.

Mr. Wurts presented a petition from sundry citizens of the city and county of Philadelphia, praying that the select and common councils of the city, and the commissioners of the several districts in the county of Philadelphia, may be authorised to appoint the managers of the Almshouse, with authority to elect the officers of the same.

And said remonstrance and petition were read and referred to the members from the city and county of Philadelphia.

The Speaker laid before the Senate, a letter and document from Samuel Mifflin, Esq. Treasurer of the Susquehanna and Tioga Turnpike Road Company, which was read as follows, to wit:

PHILADELPHIA, January 21, 1823.

SIR: I have the honor to wait on you with the annual statement of the funds of the Susquehanna and Tioga Turnpike Road Company.

I remain, with great respect, your obedient servant,

SAMUEL MIFFLIN, *Treasurer.*

The honorable WILLIAM MARKS,

Speak of the Senate, Harrisburg,

*The Susquehanna and Tioga Turnpike Road Company in account  
with Samuel Mifflin, Treasurer.*

Dr.		
1822	To amount of sundry payments,	\$8063 47
1823	To ditto ditto	1892 67
	To balance in the hands of the treasurer,	1192 81
		<hr/> \$11,148 95
Cr.		
1822	By balance,	\$248 95
1823	By amount received from sundry subscriptions,	10,900
		<hr/> \$11,148 95

Errors excepted.

*Philadelphia, January 21, 1823.*

SAMUEL MIFFLIN, *Treasurer.*

Laid on the table.

Mr. Shulze presented a remonstrance from sundry Roman Catholics of Harrisburg and its vicinity, against the proposed alteration in the charter of St. Mary's church.

Which was read and laid on the table.

Mr. St. Clair obtained leave to withdraw from the files of the last session, the petition of James Whaley, a captain in the late war.

On motion of Mr. Dickerson and Mr. Allshouse, the Senate resumed the second reading and consideration of the report of the committee on claims, made on the 12th ultimo, on the petition of John Roberts, a captain in the late war.

Which was again read, considered and adopted.

The bill, No. 59, from the House of Representatives, entitled "An act to incorporate the Gettysburg Water Company," was read a third time; and

On the question,

Shall said bill pass?

A motion was made by Mr. Evster and Mr. Eichelberger, to postpone the further consideration of the same, for the present.

Which was agreed to.

Mr. M'Means read in his place, and on leave given, presented to the chair, a bill, No. 81, entitled "An act for the relief of Reuben Winslow;"

Which was read the first time.

On motion of Mr. R. Smith and Mr. Mahon, an item of unfinished business, on the journal of the last session, page 320, relative to the relief of Charles Widney, was referred to Messrs. R. Smith, St. Clair and Henderson.

The bill, No. 20, entitled "An act for the erection of an additional building for the accommodation of students at Dickinson College, and for enlarging their chemical and philosophical appa-

status," was read a second time, as reported by a committee of the whole yesterday.

When a motion was made, by Mr. M'Veens and Mr. Power, to postpone the further consideration of said bill, for the present;

Which was not agreed to.

Section 1 being under consideration,

A motion was made by Mr. Mahon and Mr. Coleman, to amend the same, in the third line, by striking out the name of "*Jacob Heidel*," and inserting "*Robert M' Coy*;"

Which was agreed to.

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required, by Mr. Allshouse and Mr. M'Veens, and are as follow, to wit:

## YEAS.

Messrs. Coleman,  
Duncan,  
Eichelberger  
Eyster,  
Henderson,  
Hill,  
Hubley,  
Mahon,

## NAYS.

Messrs. Allshouse,  
Brewster,  
Cadwallader,  
Dewart,  
Dickerson,  
Fry,

## YEAS.

Messrs. Orr,  
Robertson;  
R. Smith,  
W. R. Smith,  
St. Clair,  
Warts,  
Marks, speaker—15.

## NAYS.

Messrs. Mann,  
M'Veens,  
Power,  
Shulze,  
Winter.—13.

So it was determined in the affirmative.

Sections 2, 3, and title were then severally considered and agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 61, entitled "An act authorising the incorporation of a company for the making of a turnpike road, from the south end of the Monongahela bridge opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville," was read a second time, considered by section; and agreed to.

The title was agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. M'Veens and Mr. W. R. Smith, the Senate again resolved itself into a committee of the whole, Mr. Mahon in the chair, on bill, No. 62, entitled "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna, Juniata and their branches."

And, after some time, the committee rose and reported said bill with amendments.

On motion of Mr. Mann and Mr. R. Smith,  
*Ordered*, That said bill be re-printed, with the amendments.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 59, from the House of Representatives, entitled "A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to Franklin."

And after some time, the committee rose and reported said bill; with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Power in the chair, on bill, No. 67, entitled "An act to authorise the laying out of a state road, from Concord, in Franklin county, to Drake's ferry, in Huntingdon county."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Thursday, the 30th instant.

Adjourned until 10 o'clock, to-morrow morning.

## Friday, January 24, 1823.

Mr. Mahon presented a petition and documents from George Clark, of Cumberland county, an officer in the revolutionary war, praying for relief.

Which was read and referred to the committee on claims.

Mr. Brewster presented two petitions of similar tenor, from sundry citizens of Luzerne and Susquehanna counties, praying for the establishment of fairs, to facilitate the sale of cattle and articles of domestic manufacture.

Mr. Robertson presented a remonstrance from sundry citizens of the Commonwealth, against an act of incorporation being granted to the Schuylkill Coal Company.

Mr. Hubley presented a remonstrance from sundry Roman Catholics of Reading, in Berks county, against any alteration being made in the charter of St. Mary's church.

Mr. Coleman presented a remonstrance of similar tenor with the foregoing, from sundry Roman Catholics of Columbia, in Lancaster county.

And said petitions and remonstrances were read and laid on the table.

Mr. M'Meens presented a petition from the president and managers of the Susquehanna and Tioga Turnpike Road Company, praying to be authorised to extend said road from the east end of Nescopeck bridge to the mouth of Mill creek; and that the 4,000 dollars formerly appropriated to the Orwigsburg road, may be transferred to the road to Mill creek.

Mr. Hubley presented a petition from sundry citizens of Berks county, praying that John Schall, John Krater and Jacob Shelly, may be appointed commissioners in the room of those heretofore appointed, to lay out and make the road from Orwigsburg in Schuylkill county, to Nescopeck in Luzerne county.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

The Speaker laid before the Senate, a statement from the treasurer of the Ridge Road Company, which was read as follows, to wit:

**RIDGE TURNPIKE COMPANY.**

*Statement of affairs for the year 1822.*

Balance in Treasurer's hands, 1st January, 1822,	\$5517 34
Tolls received.	8,578 29
	<hr/>
	43,892 63

**PAYMENTS.**

Interest on certificates and bonds,	\$4,554 84
Repairs,	4,861 95
Ditto note given for same last year,	509
Salaries,	2,461 75
Expenses,	278 88
*Markley and Baird in full of contract,	1,000
	<hr/>
	13,666 42
	<hr/>
	2926 21

Balance in Treasurer's hands,

\*Paid to them also, previously, by state treasurer, balance of appropriation for company, amounting to \$21,000; \$16,350 thereof paying certificates of debt to them to that amount, the remainder being interest.

**DEBTS.**

Certificates of debt,	\$79,673 46
Bonds,	12,000
Notes at Philadelphia Bank,	13,000
Interest up to first January, 1823,	11,015 82
Ditto old, 18 months arrearages,	3,915 54
	<hr/>
	119,604 88

E. E. Philadelphia, January 1, 1823.

THOMAS H. WHITE, Treasurer.

Amount owing by superintendant, for repairs, reported since the statement, about

3,000

CITY OF PHILADELPHIA, SS.

January 9, 1822.

Before me, the subscriber, one of the aldermen of the said city, personally appeared Thomas H. White, Treasurer of the Ridge Turnpike Company, who being duly sworn, declared



make an artificial road from the Philadelphia and Great Bend Turnpike, in Abington township, to intersect the Milford and Owego Turnpike Road, at or east of Montrose."

"A supplement to the several acts of the Legislature, regulating fisheries in the river Delaware."

And informed that the House of Representatives have passed the first without, and the two latter with amendments, to which the concurrence of the Senate is requested.

And said bills and amendments were read the first time.

On motion of Mr. Cadwallader and Mr. Winter, the amendments by the House of Representatives, to the bill, No. 53, entitled "A supplement to the several acts of the Legislature, regulating fisheries in the river Delaware," were again read, considered and concurred in. And

*Ordered*, That the Clerk inform the House of Representatives accordingly

Adjourned until 10 o'clock, to-morrow morning.

## Saturday, January 25, 1823.

Mr. W. R. Smith presented a petition from sundry citizens of Huntingdon county, praying for legislative aid, in improving the navigation of Stone creek.

Which was read and referred to the committee on roads, bridges and inland navigation.

Mr. Eyster presented a remonstrance, from sundry Roman Catholics of Adams county, against any alteration being made in the charter of St. Mary's church.

Mr. Wurts presented a remonstrance from sundry citizens of the Commonwealth, against an act of incorporation being granted to the Schuylkill Coal Company.

And said remonstrances were read and laid on the table.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred, on the 21st instant, a petition on the subject, reported a bill, No. 88, entitled "An act authorising the laying out of a state road from Kittanning to Greensburg."

Which was read the first time.

The bill, No. 39, from the House of Representatives, entitled "A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to Franklin," was read a third time. And

On the question,

Shall the bill pass?

A motion was made by Mr. Orr and Mr. Duncan, to amend the same, by adding to the end of the first section, the following proviso, to wit:

*Provided, nevertheless,* That in no case whatever, shall the neglect or refusal of any person or persons subscribing to the stock of said company, in his own or any other name, to pay to the attending commissioner or commissioners, the sum of two dollars for every share subscribed agreeably to the proviso of the first section of the act to which this is a supplement, be construed to exonerate the person or persons subscribing, in manner aforesaid, from payment of the amount due on the share or shares which he or they respectively may have subscribed."

Which was agreed to And

The bill, as amended, was then passed.

On motion,

The bill, No. 59, from the House of Representatives entitled "An act to incorporate the Gettysburg Water Company," was read a third time. And,

On the question,

Shall this bill pass?

A motion was made by Mr. Eyster and Mr. Eichelberger, to amend the same, by striking out all after the word "so," in the 4th line of the proviso, to the 8th section, and inserting the following, to wit: "*regulated that the average dividends declared shall never exceed that rate;*" which was agreed to. And

The bill, as amended, was then passed.

*Ordered,* That the Clerk return said bills to the House of Representatives with information that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

The bill, No. 73, entitled "An act authorising the State Treasurer to pay to Joseph Earnet, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money," was read a third time, and

*Resolved* that it pass; and

*Ordered,* That the Clerk present said bill to the House of Representatives for concurrence.

The Clerk of the House of Representatives, being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act to incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster."

"An act authorising the township of Roxborough in the county of Philadelphia, to apply the money arising from the tax on dogs, in said township, to the support of the poor."

"An act to authorise the purchase of certain copies of Smith's edition of the laws of Pennsylvania"

Which bills were read the first time.

The bill, No. 68, entitled "An act to incorporate the Farmers' Brewing Company," was read a second time, as reported by a committee of the whole yesterday.

Section 1, being under consideration,

A motion was made by Mr. Barnard and Mr. McMeens, to amend the same, by adding to the end thereof, the following proviso, to wit:

"*Provided, however,* That such company shall hold such lands tenements and hereditaments only as may be necessary and convenient for the transaction of its business according to the provisions of the fifth section of this act. And such lands, tenements and state as shall be bona fide mortgaged or conveyed to it, in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon mortgages or judgments obtained for any such debts." And

On the question,

Will the Senate agree so to amend?

A motion was made by Mr. R. Smith and Mr. Mann, to amend the same, by striking out all after the word "*act,*" in the fifth line of the proviso;

Which was agreed to.

And the amendment, as amended, was then agreed to. And,

On the question,

Will the Senate agree to the section as amended?

A motion was made, by Mr. Dickerson and Mr. Brewster, that the question, together with the bill, be postponed for the present; for the purpose of proceeding to the election of bank directors;

Which was agreed to.

Agreeably to order,

The Senate (twenty-seven members being present) proceeded to the election of directors of the Bank of Pennsylvania, the clerks having been first appointed tellers, when the members voted as follow, to wit:

	Mathew Carey,	Thomas Leiper,	David Cory,	John Hufnagle,	Samuel Wetherill,
Allshouse,	1	1	1		
Barnard,	1	1	1		
Brewster,	1	1	1		
Cadwallader,		1	1	1	
Coleman,		1		1	1
Dewart,		1	1	1	
Dickerson,	1	1	1		
Duncan,	1	1		1	
Eichelberger,	1	1	1		
Eyster,	1	1	1		
Ery,	1	1	1		
Henderson,		1		1	1
Hill,	1	1	1		
Hubley,		1		1	1
Mahon,	1	1	1		
Mann,	1	1	1		
M'Meens,	1	1	1		
Orr,	1	1	1		

# THE SENATE.

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	Mathew Carey,	Thomas Leiper,	David Corry,	John Huffnagle,	Samuel Wetherill,
Power,	1	1	1		
Robertson,		1		1	1
Shulze,	1	1	1		
R. Smith,	1	1	1		
W. R. Smith,		1		1	1
St. Clair,	1	1	1		
Winter,	1	1	1		
Wurts,	1	1		1	
Marks, speaker.	1	1	1		
	20	27	20	9	5

So it appeared that Mathew Carey, Thomas Leiper, and David Corry were duly elected directors of the Bank of Pennsylvania, on the part of the Senate, for the ensuing year.

Agreeable to order,

The Senate then proceeded to the election of directors of the Philadelphia Bank, tellers as before, when the members present voted as follow, to wit:

	Daniel H. Miller,	Alexander M'Caraher,	Robert Patterson,		Daniel H. Miller,	Alexander M'Caraher,	Robert Patterson,
Allshouse,	1	1	1	Mahon,	1	1	1
Barnard,	1	1	1	Mann,	1	1	1
Brewster,	1	1	1	M'Veens,	1	1	1
Cadwallader,	1	1	1	Or,	1	1	1
Coleman,	1	1	1	Power,	1	1	1
Dewart,	1	1	1	Robertson,	1	1	1
Dickerson,	1	1	1	Shulze,	1	1	1
Duncan,	1	1	1	R. Smith,	1	1	1
Eichelberger,	1	1	1	W. R. Smith,	1	1	1
Eyster,	1	1	1	St. Clair,	1	1	1
Fry,	1	1	1	Winter,	1	1	1
Henderson,	1	1	1	Wurts,	1	1	1
Hill,	1	1	1	Marks, speaker.	1	1	1
Hubley,	1	1	1		27	27	27

So it appeared that Daniel H. Miller, Alexander M'Caraher and Robert Patterson, were unanimously elected directors of the Philadelphia Bank, on the part of the Senate, for the ensuing year.

Adjourned until 10 o'clock, on Monday morning next.

## Monday, January 27, 1823.

Mr. Brewster presented a petition from the president, managers and company of the Philadelphia and Great Bend Turnpike Road, praying for authority to change the route of said road so as to intersect the Belmont and Easton Turnpike, at or near the 45th mile stone; and that the time of holding their elections may be altered to the third Monday of January in each year.

Mr. M'Meens presented a petition from sundry citizens of Lycoming, Northumberland and Columbia counties, praying for a grant of fifteen hundred dollars to aid in completing the state road from Pennsborough, in Lycoming county, through Washington, to Danville, in Columbia county, and that commissioners may be appointed to distribute the money among the townships through which said road passes.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Markley presented a memorial from sundry inhabitants of the counties of Montgomery, Chester, Delaware, Bucks, Northampton and Lehigh, praying for the establishment of a separate district of the supreme court, to be held in a central part of said district.

Which was read and referred to the committee on the judiciary system.

Mr. Duncan presented three petitions of similar tenor from sundry inhabitants of Philadelphia county, praying for a renewal of the charter of the Bank of Germantown.

Mr. Markley presented a petition from sundry citizens of Montgomery county, praying for a renewal of the charter of the Bank of Montgomery county.

And said petitions were read and referred to the committee on banks.

Mr. Hubley presented a petition from sundry citizens of Pine Grove township, in Schuylkill county, praying to be authorised to raise twelve hundred dollars by way of lottery, or other legislative aid to enable them to build a church.

And said petition was read.

When a motion was made by Mr. Hubley and Mr. M'Meens, that it be referred to a committee.

Whereupon,

The yeas and nays were required by Mr. Dickerson and Markley, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Dewart,  
Duncan,  
Groves,  
Hubley,  
Markley,

**NAYS.**

Messrs. Barnard,  
Brewster,  
Cadwallader,  
Coleman,  
Dickerson,  
Evster,  
Fry,

**YEAS.**

Messrs. M'Meens,  
Power,  
Shulze,  
W. R. Smith,  
St. Clair,  
Winter.—12.

**NAYS.**

Messrs. Henderson,  
Hill,  
Mann,  
Robertson,  
R. Smith,  
Wurts,  
Marks, speaker—14.

So it was determined in the negative.

Mr. Groves presented a memorial from the stockholders in the "Callowhill street Ferry Company," in the county of Philadelphia, praying for an act of incorporation.

Which was read and referred to Messrs. Groves, Hubley and Brewster.

Mr. Wurts presented to the Senate, for the use of its library, a "Report of the Inspectors of the Auburn state prison," in the state of New-York, from Roberts Vaux, of Philadelphia.

Laid on the table.

Mr. Groves presented a petition from the commissioners of the Northern Liberties, in the county of Philadelphia, praying the Legislature to pass an act removing all doubts about their power to collect moneys arising from pitching and paving the streets and footways, and for two additional judges for holding the elections in said district.

And said petition was read and referred to Messrs. Groves, W. R. Smith and St. Clair.

Mr. Groves presented a petition from John M'Leod, of the county of Philadelphia, praying to be indemnified for certain losses sustained by him in consequence of the act passed in 1819, non-opening the streets through the Navy Yard in said county.

Mr. Groves also presented a petition from William Piersol and others, heirs of Joseph North, deceased, of similar import with the foregoing.

And said petitions were read, and laid on the table.

Mr. M'Meens read in his place, and on leave given, presented to the chair, a bill No 92, entitled "An act to provide more effectually for the education of the youth."

Which was read the first time.

The bill, No. 71, entitled "A supplement to the act entitled "An act to compel assignees to settle their accounts, and for other purposes," was read a second time, as reported by a committee of the whole, on the 24th instant.

Section 1 was considered, and agreed to.

Section 2 being under consideration,

A motion was made by Mr. Markley and Mr. Duncan, to postpone the same, together with the bill for the present.

Which was agreed to.

The bill, No. 77, entitled "An act to authorise and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate;" was read a second time, as reported by a committee of the whole, on the 24th instant.

First and only section being under consideration,

A motion was made by Mr. Wurts and Mr. Robertson, to amend the same, in the 4th line by striking out after the word "of" the words "*the said,*" and to insert after Jacob Smith, these words "*deceased, formerly of Germantown, in the county of Philadelphia.*"

Which was agreed to.

And the section as amended, was then agreed to.

The preamble was considered, and disagreed to.

The title was agreed to; and

*Ordered,* That said bill be transcribed for a third reading.

On motion of Mr. W. R. Smith and Mr. Coleman, the Senate proceeded to the second reading and consideration of bill, No. 57, entitled "A supplement to the act entitled "An act establishing an Academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes," as reported by a committee of the whole, on the 17th instant.

The section and title were severally considered and agreed to; and

*Ordered,* That said bill be transcribed for a third reading.

On motion,

The Senate resumed the second reading and consideration of bill, No. 68, entitled "An act to incorporate the Farmers' Brewing Company," postponed yesterday.

Section 1 recurring, and being again under consideration,

A motion was made by Mr. Barnard and Mr. A. Meena, to amend the same, by adding to the end thereof, the following to wit: "And provided further, that three-fourths of the stockholders of the same company in number, as well as in amount of stock, shall, during the continuance of this act, be persons actually concerned in agricultural pursuits."

Which was agreed to; and

The section as amended, was then agreed to.

Section 2, being under consideration,

A motion was made by Mr. Barnard and Mr. Markley, to postpone the further consideration of the same, together with the bill, until to-morrow.

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence the bills entitled as follow:

"An act to vest all the estate of which William Robeson died seized, in a certain tract of land, in the heirs of Susan Robeson, deceased."

"An act authorising a review of part of the state road from Carlisle through Newville and Roxbury, to the Burnt Cabins."

"An act to repeal a part of the fifth section of an act entitled "A further supplement to an act entitled "An act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables and for other purposes."

Which bills were read the first time.

He also returned the bill entitled "An act to empower the executors of Thomas and Mary W'Allen, to sell a certain tract of land," and informed that the House of Representatives have passed the same without amendment.

On motion of Mr. Brewster and Mr. Groves, the Senate proceeded to the consideration of the amendments made by the House of Representatives, to the bill, No. 9, entitled "An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Great Bend Turnpike, in Abington township, to intersect the Milford and Owego Turnpike Road, at or east of Montrose."

The first and second amendments were severally considered and concurred in.

The third amendment being under consideration,

A motion was made by Mr. R. Smith and Mr. Bichelberger, to amend the amendment, by making two read three, which was not agreed to; and the amendment was then concurred in.

Ordered, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. M'Veens and Mr. Hill, the Senate resumed the second reading and consideration of bill, No. 72, entitled "An act to incorporate a company to erect a Rail Road, from Harrisburg to Pittsburg," postponed for the present on the 2d instant.

Section 1 recurring and being under consideration,

A motion was made by Mr. M'Veens and Mr. Brewster, to amend the same, by adding after the name John Forster, Robert Harris and Jacob Bucher, and to strike out all that follows the word county in the sixth line, to the word he in the eighth line.

Which was agreed to; and

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required by Mr. Mann and M'Veens, and were as follow, to wit:



**YEAS.**

Messrs. Brewster,  
Cadwallader,  
Dewart,  
Duncan,  
Groves,  
Henderson,  
Hill,

**NAYS.**

Messrs. Allshouse,  
Eyster,  
Fry,  
Mann,

**YEAS.**

Messrs. Hubley,  
M'Meens,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker—33.

**NAYS.**

Messrs. Power,  
Shulze,  
R. Smith.—7.

So it was determined in the affirmative.

Section 2 was considered and agreed to.

Section 3 being under consideration,

A motion was made by Mr. Duncan and Mr. St. Clair, to strike out the word *one* in the ninth line, and insert in lieu thereof, the word *five*, and make the word *dollar* read *dollars*.

On the question,

Will the Senate agree so to amend?

A division of the question was called for by Mr. Brewster, to be decided with striking out.

Which was agreed to.

A motion was made by Mr. M'Meens, to fill the blank with *three* instead of *five*.

Which was agreed to; and

The section as amended, was then agreed to.

Sections 5, 6, 7 and 8, now 4, 5, 6 and 7, were severally considered and agreed to.

Section 9, now 8, being under consideration,

A motion was made by Mr. Wurts and Mr. Brewster, to amend the same in the 13th line, by inserting after the word *repair*, these words, "*when required by the party or parties interested.*"

Which was agreed to.

A motion was made by Mr. Wurts and Mr. Cadwallader, further to amend, by inserting after the word *township*, where it first occurs in the 15th line, these words, "*or by the turnpike company as the case may be,*" and after the word *township*, where it again occurs, in the same line, these words "*or of such company.*"

Which was agreed to.

A motion was then made by Mr. R. Smith and Mr. M'Meens, further to amend the same, by striking out in the tenth line, the words *supervisor or*, and in the 15th line to make *supervisor* read *supervisors*.

Which was agreed to.

A motion was then made by Mr. Hubley and Mr. Barnard, to amend the same, by striking out all that follows the word *company* in the 9th line, to the end of the 10th line.

Which was disagreed to; and

The section as amended, was then agreed to.

Section 10, now 9, being under consideration,

A motion was made by Mr. M'Meens and Mr. R. Smith, to strike out all that follows the word *pass*, in the 12th line, to the word *company* inclusive, in the 16th line.

Which was agreed to; and

The section as amended, was then agreed to.

Section 11, now 10, was considered and agreed to.

Section 12, now 11, being under consideration,

A motion was made by Mr. Duncan and Mr. Wurts, to amend the same, by inserting after Stevens in the third line, these words "*or his legal representative or representatives*," and after the word *he* in the same line, the words *or they*, in the fifth line, after the word *his*, the words *or their*, and after the words *he*, where they occur in the sixth line, the words *or they*.

Which was agreed to; and

The section as amended, was then agreed to.

Sections 13 and 14, now 12 and 13, were severally considered and agreed to.

Section 16, now 14, being under consideration,

A motion was made by Mr. Duncan and Mr. Wurts, to insert the part of the proviso, negatived in the committee of the whole, by making three read *four*, where it occurs in the 12th and 18th lines, and strike out the word *and* in the 20th line.

Which was agreed to; and

The section as amended, was then agreed to.

Section 17, now 15, being under consideration,

A motion was made by Mr. W. R. Smith and Mr. Wurts, to strike out all that follows the word *suit*, in the 6th line, to the word *by*, in the seventh line.

Which was agreed to; and

The section as amended, was then agreed to.

Section 18, now 16, was considered and agreed to.

Section 19, now 17, being under consideration,

A motion was made by Mr. R. Smith and Mr. St. Clair, to strike out all that follows the word *damages*, in the 6th line, to the end of the section.

Which was agreed to; and

The section as amended, was then agreed to.

Section 20, now 18, preamble and title, were severally considered and agreed to.

*Ordered*, That said bill be transcribed for a third reading.

A motion was made by Mr. R. Smith and Mr. M'Meens, that when the Senate adjourns, it will adjourn to meet at three o'clock, this afternoon.

Which was disagreed to.

Mr. Hubley named four o'clock.

Which was disagreed to.

Adjourned until 10 o'clock, to-morrow morning.

**Tuesday, January 28, 1823.**

Mr. Brewster presented a petition from sundry citizens of Wayne county, praying the Legislature to incorporate a company to make an artificial road from the Sugar Loaf mountain, on the Belmont and Oghquago turnpike, to Hale's ferry, on the river Delaware.

Mr. Brewster presented a petition from the president and managers of the Clifford and Wilkesbarre Turnpike Road Company, praying that twenty-five hundred dollars remaining in their hands, may be expended on that part of the road located between the Milford and Owego, and Coshecton and Great Bend turnpikes.

Mr. M'Meens presented a petition from James M'Namee, a contractor on the Harrisburg, Carlisle and Chambersburg Turnpike Road, praying the Legislature to authorise him to receive the tolls of said road, until the money due him be liquidated.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Markley presented a remonstrance from sundry citizens of the Commonwealth, against an act of incorporation being granted to the Schuylkill Coal Company.

Mr. Shulze presented a petition from the trustees of the Lebanon Academy, and others, praying that the trustees may be authorised to apply one thousand dollars out of their funds, to assist in erecting suitable buildings.

And said remonstrance and petition were read and laid on the table.

Mr. Mahon presented a petition and documents from Jacob Bishop, late gaoler of Cumberland county, praying remuneration for money expended by him in supporting certain insolvent debtors, in said county.

Which was read and referred to Messrs. Mahon, Dewart and Hill.

Mr. Coleman presented a petition from a number of the citizens of the city and county of Lancaster, praying that the session of the supreme court to be held in May next, may be extended to six weeks; and that an additional session of two weeks may be held immediately after the termination of its session at Chambersburg.

And said petition was read and referred to the committee on the judiciary system.

The Speaker laid before the Senate, a letter and abstract from the Secretary of the University of Pennsylvania, which was read as follows, to wit:

UNIVERSITY OF PENNSYLVANIA,

January 7, 1823

SIR: I have the honor to present herewith, an abstract of the funds of the University of Pennsylvania.

I am, with respect, your obedient servant,

JOSEPH REED, *Secretary.*

To the honorable,

WILLIAM MARKS, Speaker of the Senate.

*Abstract of the state of the funds of the University of Pennsylvania, 1823.*

Buildings occupied by public schools, nominal value,	\$34,000	Producing
Houses occupied by professors and rent- ed, nominal value,	65,800	34,481 67
Ground rents, nominal value,	49,879 15	3,536 80
Botanic Garden,	8,000 00	100 00
Gross amount of real estate,	\$157,679 15	\$8,118 47
Personal estate,		
Bonds and mortgages	55,446 28	3,326 80
Library apparatus, &c.	13,179 76	
Gross amount of estates,	\$226, 305 19	
Gross amount of income,		\$11,445 27

By order of the Board of Trustees.

JOSEPH REED, *Secretary*.

University, January 1, 1823.

Laid on the table.

Mr. Warkley, from the committee on the judiciary system, reported a bill, No. 96, entitled "A supplement to the act entitled 'An act relative to dower, and for other purposes.'"

Which was read the first time.

The bill, No. 57, entitled "A supplement to the act entitled 'An act establishing an Academy in the town of Ephensburg, and granting a sum of money thereto, and for other purposes,'" was read a third time; and

*Resolved*, That it pass.

The bill, No. 77, entitled "An act to authorise and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate," was read a third time; and

*Resolved*, That it pass.

The bill, No. 72, entitled "An act to incorporate a company to erect a Rail Road from Harrisburg to Pittsburg," was read a third time; and

*Resolved*, That it pass.

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

A motion was made by Mr. Groves and Mr. Barnard, and read as follows, to wit:

*Resolved*, That a committee be appointed to take into consideration, the expediency of altering or amending the act entitled "An act to provide for the election of representatives of the people of the state, in the congress of the United States, passed April 2d, 1822," and that the committee have leave to report by bill or otherwise.

Laid on the table.

On motion of Mr. Barnard and Mr. M'Veens, the following resolution was twice read, considered and adopted, viz:

*Resolved*, That the judiciary committee be directed to inquire into the expediency of providing by law, that copies of all records, documents and papers, in the offices of the Secretary of the Commonwealth, Secretary of the Land Office, Surveyor General, Auditor General and State Treasurer, when duly certified, shall be received in evidence, in the several courts of this Commonwealth, in all cases where the original would be admitted in evidence."

The Senate resumed the second reading and consideration of bill, No. 68, entitled "An act to incorporate the Farmers' Brewing Company," postponed yesterday.

Section 2 recurring, and being again under consideration,

A motion was made by Mr. Hubey and Mr. Dewart, that the Senate again resolve itself into a committee of the whole, on said bill, for the purpose of general amendment.

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. R. Smith in the chair, on said bill.

And after some time, the committee rose and reported said bill, with amendments.

A motion was made by Mr. Coleman and Mr. Winter, that the amendment to the 2d section be printed for the use of the members.

Which was agreed to.

A motion was made by Mr. Groves and Mr. Power, that when the Senate adjourns it will adjourn to meet at 3 o'clock this afternoon.

Mr. Vurts named half past 3 o'clock.

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence the bills entitled as follow:

"An act to authorise the printing of the pamphlet laws of this Commonwealth."

"A supplement to the act entitled "An act to incorporate an academy or public school, in the town of Franklin, and for other purposes."

He also returned the bill entitled "A supplement to the act entitled "An act to regulate the inspection of flour in certain western counties of the state," passed the thirtieth day of September, one thousand seven hundred and ninety-one, and informed that the House of Representatives have passed the same with one amendment, to which the concurrence of the Senate is requested.

Which bills and amendment were read the first time.

He further informed that the House of Representatives have concurred in the amendments by the Senate, to the bills entitled, as follow, to wit:

"A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to Franklin."

"An act to incorporate the Gettysburg Water Company."

On motion of Mr. Dickerson and Mr. Allshouse, the amendments made by the House of Representatives, to the bill, No. 66, entitled "An act to regulate the inspection of flour in certain western counties of this state," were again read, considered and concurred in.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Adjourned until half past 3 o'clock, P. M.

### ***SAME DAY—IN THE AFTERNOON.***

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on bill, No. 74, entitled "An act authorising a review of certain state roads."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Barnard and Mr. R. Smith, said bill was read a second time, considered by section, and agreed to.

The title was agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 80, entitled "An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg Turnpike Road Company."

And after some time, the committee rose, and reported said bill with amendments.

On motion of Mr. Brewster and Mr. Barnard, said bill was read a second time, and the section agreed to.

The preamble was considered and disagreed to.

The title being under consideration,

A motion was made by Mr. R. Smith and Mr. Hill, to amend the same, by adding to the end thereof, these words, *and for other purposes*.

Which was agreed to; and

The title as amended, was then agreed to.

*Ordered*, That said bill be transcribed for a third reading.

Mr. W. R. Smith, on leave given, presented a petition from the state managers in the Lewistown and Huntingdon Turnpike Road Company, remonstrating against the passage of a law, referring all matters in dispute in said company, to the judges of the supreme court.

And said petition was read and referred to the committee on the judiciary system.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill, No. 81, entitled "An act for the relief of Reuben Winslow."

And after some time, the committee rose, reported progress and obtained leave to sit again on Tuesday, the 4th of February

On motion of Mr. Dickerson and Mr. Cadwallader, the Senate resolved itself into a committee of the whole, Mr. Hubley in the chair; on bill, No. 78, entitled "An act for the relief of Nancy Stackhouse and Mary Brown, widows of soldiers of the revolutionary war."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Dickerson and Mr. Allshouse, said bill was read a second time, and the section was agreed to.

The title was agreed to, after being amended to read as follows, to wit: "An act for the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war." And

*Ordered*, That said bill be transcribed for a third reading.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Brewster in the chair, on bill, No. 69, entitled "An act to authorise the sale of the interest of minor children, in certain real estate."

And, after some time, the committee rose and reported said bill, with amendments.

On motion of Mr. Barnard and Mr. M'Means, said bill was read a second time.

Section being under consideration,

A motion was made by Mr. Vann and Mr. Dewart, to amend the same, in the third line, by striking out after the word *Cochran* the word "Esquire."

Which was agreed to; and

The section as amended, was then agreed to.

The title was agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Winter and Mr. Cadwallader, the Senate resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill, No. 21, entitled "An act authorising the election of a constable in the borough of Bethany, in the county of Wayne."

And after some time, the committee rose, and reported said bill with amendments.

Adjourned until 10 o'clock, to-morrow morning.

**Wednesday, January 29, 1823.**

Mr. Eichelberger presented a remonstrance from sundry Roman Catholics, of the borough of York, against any alteration being made in the charter of St. Mary's church.

Mr. Mahon presented a petition and documents from John Bell, of the borough of Carlisle, praying to be remunerated for storing and repairing public arms.

Mr. Hill presented a petition from sundry citizens of Washington and Fayette counties, praying for a new county, to be called Monroe.

Mr. Groves presented a remonstrance from sundry citizens of the Commonwealth, against chartering the Schuylkill Coal Company.

And said petitions and remonstrances were read and laid on the table.

Mr. W. R. Smith presented a memorial from the stockholders of the Lewistown and Huntingdon Turnpike Road Company, praying that a law may be passed to dispense with the services of the state managers.

And said petition was read and referred to the committee on the judiciary system.

Mr. Hill presented a petition from the president, directors and stockholders of the Monongahela Bank at Brownsville, praying for a renewal of their charter.

Mr. Wurts presented three petitions of similar tenor, from stockholders and others, of the city and county of Philadelphia, praying for an extension of the charter of the Bank of the Northern Liberties, upon certain conditions.

And said petitions were read and referred to the committee on Banks.

Mr. Hill presented a petition from sundry citizens of Greene county, praying the Legislature to confirm the vacation of a road from Waynesburg, in Greene county, to intersect the Brownsville and Somerset turnpike road, at or near Connellsville, in Fayette county.

And said petition was read and referred to the committee on roads, bridges and inland navigation.

Mr. Mahon, from the committee to whom had been referred, on the 28th instant, a petition on the subject, on leave given, reported a bill, No. 99, entitled "An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county."

Mr. McMeens, from the committee on roads, bridges and inland navigation, to whom had been referred, on the 28th instant, a petition on the subject, reported a bill, No. 100, entitled "An act to authorise the Governor to incorporate the president, managers and company of the Arrarat Turnpike Road."

Mr. McMeens, from the same committee to whom had been referred, on the 10th instant, a petition on the subject, reported a bill, No. 101, entitled "An act appointing commissioners to lay out a certain state road, from the bridge over the Susquehanna river at Wilkesbarre, to Milton, in the county of Northumberland."

Mr. Mahon, from the committee to whom had been referred, on the 24th ultimo, an item of unfinished business, on leave given, reported a bill, No. 102, entitled "An act for the relief of John Bell."

Mr. Hill, from the committee to whom had been referred, on the 13th instant, an item of unfinished business, reported a bill.



No. 103, entitled "An act erecting parts of Fayette and Washington counties, into a separate county, to be called Monroe."

And said bills were read the first time.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on the 28th instant, presented to the Governor for his approbation, the bills entitled as follow, to wit:

"An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land."

"A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to Franklin,"

"An act to incorporate the Gettysburg Water Company "

"An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford Turnpike Road Companies."

"A supplement to the several acts of the Legislature, regulating fisheries in the river Delaware."

Laid on the table.

Mr. W. R. Smith, from the joint committee appointed to correspond with George M. Dallas, on the subject of the state map, made report:

That in pursuance of a resolution on the subject of the copper-plates of the state map, and the impressions therefrom, now in the hands of the representative of the late John Melish, deceased, we have corresponded with George M. Dallas, Esq. and from him have received information that the representative of the late John Melish, refuse to deliver up the copper-plates and maps, the property of the state. That the said representative alleges, that the Commonwealth is largely indebted to the estate of Mr. Melish; and they demand payment of the balance due. That we have made the necessary inquiries in the accounting departments of this state, and have understood that the contract on the part of the state with Mr. Melish has been fully complied with, and that all the moneys due on the said contract, for materials and superintendence of the state map, have been received by Mr. Melish; and that no part thereof is now considered as due by the state on said contract.

Laid on the table.

The bill, No. 69, entitled "An act to authorise the sale of the interest of minor children in certain real estate."

The bill, No. 74, entitled "An act authorising a review of certain state roads."

The bill, No. 78, entitled "An act for the relief of Nancy Stackhouse, Margaret Laury Morrisson and Mary Brown, widows of soldiers of the revolutionary war." And

The bill, No. 80, entitled "An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg

Turnpike Road Company, and for other purposes," were severally read the third time, and passed.

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

On motion of Mr. Groves and Mr. Barnard, the resolution offered yesterday, relative to the law regulating the congressional districts, was read a second time; and

The same being under consideration,

A motion was made by Mr. Wurts and Mr. Coleman, to amend the resolution by striking out all after the figures "1822."

Which was not agreed to.

The resolution was then adopted; and

*Ordered*, That Messrs. Groves, Barnard, Coleman, R. Smith, W. R. Smith, Hill and Brewster, be the committee.

On motion of Mr. Hill and Mr. Barnard the following resolution was twice read, considered and adopted, viz:

*Resolved*, That the Secretary of the Commonwealth, be required, to furnish the Senate with such information as he may be in possession of, and the books, records and minutes of his office contain relative to the appointment of the officers of the Land Office, and all other heads of department; also registers, recorders, prothonotaries, clerks of the several courts, &c. under the proprietary government, and also under the state government, previous to the passage of the declaratory act of 1785; and thence to the adoption of the amendments of the constitution of 1790.

A motion was made by Mr. Barnard and Mr. M'Veens, and read as follows, to wit:

Whereas, by the act of the 2d April, 1821, laying a duty on retailers of foreign merchandise, it is provided, that for license to retail merchandise, including wines and spirits, the sum of fifteen dollars shall be paid: for merchandise other than wines and spirits, ten dollars, and for wines and spirits only, ten dollars. This law operates unequally, as in cities, where retailers dispose of either dry goods or liquors, and not of both, the sum of ten dollars is only required to be paid, while in the country, storekeepers are necessarily obliged to retail both, and must therefore pay fifteen dollars for a license; and as it is unjust, that such a distinction should exist. Therefore

*Resolved*, That a committee be appointed to inquire into the expediency of fixing the sum to be paid by all retailers of foreign merchandise, without regard to the kind of merchandise disposed of, and of making any further alterations in the said law that may be deemed necessary and proper; and that said committee have leave to report by bill or otherwise.

On motion,

Said resolution was again read; and

On the question,

Will the Senate adopt the same?

A motion was made by Mr. R. Smith and Mr. Dickerson, to amend the same, by striking out these words, "and that the committee have leave to report by bill or otherwise."

Which was disagreed to; and

On the question,

Will the Senate agree to said resolution?

The yeas and nays were required by Mr. Duncan and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Eyster,  
Fry,  
Groves,  
Hill,  
Mahon,

**NAYS.**

Messrs. Cadwallader,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Henderson,  
Hubley,

**YEAS.**

Messrs. Mann,  
Markley,  
M'Veens,  
Orr,  
Shulze,  
Winter,  
Marks, speaker.—15.

**NAYS.**

Messrs. Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts.—13.

So it was determined in the affirmative.

And Messrs. Barnard, Hill, Groves, Winter and Eyster were appointed that committee.

The bill, No. 18, entitled "An act to incorporate the Farmers' Brewing Company," was read a second time, as reported by a committee of the whole yesterday.

Section 1, was considered and agreed to.

Section 2, being under consideration,

A motion was made by Mr. Duncan and Mr. Robertson, to amend the same, by striking out all after the word "*corporation*," in the 23d line, and inserting the following, to wit:

And the stockholder and stockholders of the Farmers' Brewing Company, shall be liable for the payment of all contracts, engagements, debts, obligations, and assumptions whatsoever, of the Chester and Delaware Farmers' Brewing Company, made and subsisting, and due or to grow due and payable at the time of passing this act; and for the payment of all contracts, engagements, debts, obligations and assumptions whatsoever, made by the Farmers' Brewing Company hereby incorporated; and whenever any judgment or judgments are obtained against, or given by the said Farmers' Brewing Company, the same may be entered on the dockets of the courts of common pleas, of the several counties in which the estate or estates of the stockholder or stockholders, is, are, or may be situated; and such judgment or judgments shall be binding on the estate or estates of the stockholder or stockholders of the said Farmers' Brewing Company, from the time of the entry

as aforesaid. *Provided*, That whenever an execution or executions shall be issued, on any judgment or judgments obtained or given as aforesaid, such execution or executions shall be first levied on the joint estate of said Farmers' Brewing Company; and in case such joint estate shall not prove sufficient to satisfy such execution or executions levied as aforesaid, then such execution or executions shall be levied on the estate or estates of the managers of said Farmers' Brewing Company, and in case the estate or estates of the said managers shall not prove sufficient to satisfy such execution or executions levied as aforesaid, then such execution or executions shall be levied on the estate or estates of the stockholder or stockholders of the said Farmers' Brewing Company."

On the question,

Will the Senate agree so to amend?

It was determined in the negative.

A motion was then made by Mr. R. Smith and Mr. Barnard, to amend said section, by striking out of the same, all after the word "*act*" in the 9th line of the printed amendment.

Which was agreed to.

A motion was made by Mr. Wurts and Mr. Duncan, further to amend the section, by striking out all after the word "*corporation*" in the 23d line.

Which was not agreed to.

A motion was then made by Mr. Dewart and Mr. Duncan, to amend the section, by striking out all after the word "*who*," in the 8th line of the printed amendment, to the word "*but*," in the 9th line, and insert these words "*may have been managers at the time the debt was contracted.*"

Which was not agreed to.

A motion was then made by Mr. Wurts and Mr. Coleman, to amend said section, by striking out all of the 9th line, to the word "*but*," in said line.

Which was not agreed to.

The section as amended, was then agreed to.

Section 3, was considered and agreed to.

Section 4, being under consideration,

A motion was made by Mr. Groves and Mr. Power, to postpone the further consideration of the same, together with the bill, for the present.

Which was not agreed to.

The section was then agreed to

Section 5, was considered and agreed to.

Section 6 being under consideration,

A motion was made by Mr. Barnard and Mr. M'Means, to amend the same, by striking out all after the word "*debts*," in the 2d line, to the word "*the*," in the 4th line, and in the 7th line, to strike out the word "*excess*," and insert in lieu thereof these words, "*debt being contracted*"

Which was agreed to; and

The section as amended, was then agreed to.

Section 7, 8 and 9, were severally considered and agreed to.

Section 10, being under consideration.

A motion was made by Mr. W. R. Smith and Mr. Duncan to amend the same, by adding to the end thereof the following, to wit: *"and provided also, that no such transfer shall in any case exonerate any individual stockholder so transferring, from any liability to pay all or any of the debts due or becoming due and payable by the said company, at the time of such transfer."*

And said amendment being under consideration,

A motion was made by Mr. Duncan and Mr. Wurts, to postpone the same, together with the bill for the present.

Which was not agreed to; and

On the question,

Will the senate agree to the amendment?

The yeas and nays were called by Mr. Duncan and Mr. Wurts, and are as follow, to wit

### YEAS.

Messrs. Coleman,  
Dewart,  
Duncan,  
Mandersen,

Messrs. Orr,  
Robertson,  
W. R. Smith,  
Wurts.—9.

### NAYS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Dickerson,  
Fry,  
Hill,  
Hubley,  
Mahon,

### NAYS.

Messrs. Mann,  
Markley,  
M'Means,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker—16.

So it was determined in the negative; and

The section was then agreed to.

Sections 11, 12 and 13, and title were severally considered and agreed to; and

On the question,

Shall the bill be transcribed for a third reading.

The yeas and nays were required by Mr. Wurts and Mr. Hubley,

Whereupon,

A motion was made by Mr. Mann and Mr. Hubley, to postpone the question for the present.

Which was agreed to.

Adjourned until 10 o'clock, to-morrow morning.

**Thursday, January 30, 1828.**

Mr. Barnard obtained leave of absence for a few days.

Mr. Shulze presented a petition from Rebecca Seltzer, of Lebanon county, praying to be authorised to sell certain real estate, bequeathed by her late husband, Christian Seltzer, on certain conditions.

Which was read and referred to the committee on the judiciary system.

On motion of Mr. Shulze and Mr. Brewster, the petition presented yesterday, relative to the Lebanon Academy, was referred to Messrs. Shulze, Wurts and Mahon.

The Speaker laid before the Senate, a letter from C. Gleim proposing to alter his former proposals on the subject of the pamphlet laws, so as to make the price \$40 per sheet, or \$800 per session, for 3000 copies.

Laid on the table.

Mr. Groves, from the committee to whom had been referred, on the instant, a petition on the subject, on leave given, reported a bill, No. 104, entitled "A supplement to an act entitled "An act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth street and the river Delaware, and between Vine street and Cohockunk creek, passed the 16th of March, 1819."

Which was read the first time.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor, for his signature, the bills entitled as follow, to wit:

"An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Great Bend Turnpike, in Abington township, to intersect the Milford and Owego Turnpike Road, at or east of Montrose."

"A supplement to the act entitled "An act to regulate the inspection of flour in certain western counties of the state, passed the thirtieth day of September, one thousand seven hundred and ninety-one."

Laid on the table.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, viz:

1. "An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land."
2. "An act to repeal the act entitled "An act relative to the appropriation made to the Northumberland and Waterford Turnpike Road Companies."
3. "A supplement to the several acts of the Legislature, regulating fisheries in the river Delaware."
4. "A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to Franklin."
5. "An act to incorporate the Gettysburg Water Company."

JOSEPH HIESTER

January 29, 1823.

Laid on the table.

The bill, No. 21 entitled "An act authorising the election of a constable in the borough of Bethany, in the county of Wayne," was read a second time, as reported by a committee of the whole, on the 28th instant. And

The section and title were severally considered and agreed to.

On motion of Mr. Duncan and Mr. Cadwallader, the Senate resumed the second reading and consideration of bill, No 71, entitled "A supplement to the act entitled "An act to compel assignees to settle their accounts, and for other purposes," postponed on the 27th instant.

Section 2 recurring, was considered and agreed to.

The title was agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Groves and Mr. Eichelberger, the Senate resolved itself into a committee of the whole, Mr. Mahon in the chair, on bill, No. 60, entitled "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight."

And after some time the committee rose, reported progress and obtained leave to sit again to-morrow.

Adjourned until 10 o'clock, to-morrow morning.

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Friday, January 31, 1823.

Mr. Wurts presented a petition and documents from the commissioners of the county of Philadelphia, praying that taxes may be made a lien on real estate.

Which were read and referred to the members from the city and county of Philadelphia,

The Speaker laid before the Senate, a communication from a committee of the legislature of Maryland, which was read as follows, to-wit:

*To the Legislature of Pennsylvania, Harrisburg.*

ANNAPOLIS, January 27, 1823.

The undersigned, a joint committee of the legislature of Maryland, appointed "to communicate with the legislature of Pennsylvania, concerning the growing evils occasioned the citizens of Maryland, by the encouragement runaway slaves receive from some of the citizens of Pennsylvania," beg leave, on that subject, respectfully to address you.

For several years past, the evils above stated have been loudly complained of by the people of this state; and session after session, their complaints have been made known to our legislature.

At different periods, we believe the executive of this state has been directed by the legislature, to communicate with the executive of your state, concerning them, and to solicit from you such legislative provisions as might be necessary to guard our citizens against a repetition of those injuries.

But it seems, as yet, these communications have not produced the desired effect. We are fully aware of the delicate nature of this subject, and the caution with which it ought to be treated. Slavery is a calamity certainly not more deplored by Pennsylvania, than by our state. All friends of freedom amongst us, would equally rejoice at its complete extermination. But this is not to be hoped for, for many years to come. So long as it exists amongst us, we are as much entitled to our slaves, as we are to any other kind of property. This right is as well secured to us by the constitution of the United States, as are any other of the rights we possess.

It is our duty, therefore, and the duty of our sister states, to protect us in its enjoyment.

The existence of our happy union depends, in a great degree, on preserving harmony among the members. Every subject likely to produce collision, ought to be studiously guarded against. The propriety of this suggestion, we feel confident you will at once perceive. With these general remarks, permit us to call your attention to two cases of very aggravated character. In the latter end of the year 1820, or in 1821, a certain Samuel G. Griffith, of our state, went with his overseer to a village called Kennet Square, in search of a slave who sometime before had made his escape from him: he was, we understand, fully able to identify the slave, and had the inhabitants of the village given him the aid he, as a citizen of the United States, had a right to expect, he would have had little or no difficulty in securing his property: but unfortunately, the inhabitants of the village, governed by misguided philanthropy, instead of assisting, gave him all the trouble they had it in their power to give. The consequence was, a determination on his part to take his slave; and in attempting to do so, himself and his overseer lost their lives.

This case caused, in our state, much public excitement. Our citizens demanded legislative interference. They saw, in this case, particularly those of them who lived near the borders of



Pennsylvania, the strongest inducement to their slaves to escape. They discovered in it, also, a motive to insurrection, if escape could not be effected in any other way. These feelings of attachment which ought to bind the citizens of the United States to each other, appeared to them to be violated.

In a word, they viewed Pennsylvania more as a hostile than as a sister state.

The other case, we beg leave respectfully to mention to you, happened the last summer. One of the undersigned, Mr. Chauncey, who is now a delegate from Harford county, attempted to recover, near the village of Darby, in your state, a slave belonging to a neighbor of his, who had run off some short time before. In this, as in the preceding instance, if no opposition had been made by the Pennsylvanians, the recovery of this property would have been accomplished with little difficulty. Mr. Chauncey knew the slave perfectly well, and was ready and willing to identify him in the way required by the laws of your state. The inhabitants of the place, however, threw in his way every possible obstacle. Mr. Chauncey requested that the slave might be kept in safe custody for two days, to give him an opportunity of returning to Harford, and bringing every possible proof that could be demanded; but this was refused him. The slave was finally released, and Mr. Chauncey threatened with imprisonment; and this too, in the presence of many people of color. It was stated, too, by the inhabitants, before the negroes were dispersed, and in their hearing, that a negro had a right to put to death, any one who might attempt to arrest him in his house.

Besides those two cases, many others happen every day. We are well advised that the slaves of our citizens go off in numbers, to your state; and that they are rarely recovered; and when they are, not without considerable trouble.

This has now become to us a most alarming evil, and requiring immediate remedy. Unless one be afforded, that desirable harmony that should subsist between us, is not to be expected; and our respective citizens will, on the contrary, feel towards each other every thing but friendship.

Permit us, also to suggest, that the wisest policy of your state, independent of the considerations we have before stated, requires you to prohibit in every proper way, the settlement of people of color in your state. It would seem to us, in the nature of things, impossible that such a population can be amalgamated with the whites. However liberal we may feel towards them, they cannot be permitted the enjoyment of every political privilege.

In some measure, they must be a distinct portion of the community. If we are not misinformed, your state already feels the burthen of this population. It seldom happens that they are not extremely dissolute and idle, and consequent nuisances to the public. We mention this with all possible respect, without wishing to interfere in the slightest degree with the policy of your state, except when such policy may interfere with the rights of our citizens. But we do most earnestly, in the name of the le-

signature of Maryland, solicit the enactment of such legal provisions, by you, as may protect our citizens in the peaceable possession of their slaves. This has become now a matter of serious moment to them; and one calculated to produce the most distressing irritation between the two states

Should you deem it necessary to answer this letter, you can do so by addressing us at this place.

It will give us much pleasure, to give you any information on the subject of this communication, that you may desire.

We have the honor to be

With the greatest respect,

Your most obedient servants,

R. JOHNSON,

W. M. C. MILLER,

ARCHIBALD LEE,

LITTLETON J. DUNNIS,

JOHN CHAUNCEY.

Laid on the table.

Mr. Shulze, from the committee to whom had been referred, on the 28th instant, a petition on the subject, on leave given, reported a bill, No. 105, entitled "A supplement to the act entitled "An act establishing an Academy in the borough of Lebanon."

Mr. M'Veens, from the committee on roads, bridges and inland navigation, to whom had been referred, on the 27th instant, a petition on the subject, reported a bill, No. 106, entitled "A further supplement to the act entitled "An act to authorise the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend Turnpike Road."

And said bills were read the first time.

Mr. Groves had leave to withdraw from the files of the Senate, the petition of the Academy of Fine Arts

The bill, No. 21, entitled "An act authorising the election of a constable in the borough of Bethany, in the county of Wayne," was read a third time, and passed.

The bill, No. 71, entitled "A supplement to the act entitled "An act to compel assignees to settle their accounts, and for other purposes," was read a third time, and passed.

*Ordered,* That said bills be presented to the House of Representatives for concurrence.

On motion of Mr. Hubley and Mr. Power, the following resolution was twice read considered and adopted, viz:

Whereas, by the 16th section of "An act for the regulation of the militia of this Commonwealth," passed the 28th of March, 1814, it was provided, that each officer should receive one dollar and fifty cents for each and every day's service on parade, for discipline; and by the 7th section of the supplement thereto, passed 19th of March, 1816, an additional compensation of fifty cents per day was allowed for such services; and whereas the said acts have been repealed, and no provision has been made for payment, for the said services rendered during the existence of said acts, Therefore,

*Resolved*, That the committee on the militia system be instructed to inquire into the expediency of providing by law for payment for all services rendered under said acts.

A motion was made by Mr. Hubley and Mr. M'Meens, and read as follows, to wit:

*Resolved*, By the Senate and House of Representatives, That the Legislature will, on Tuesday the eleventh of day March next, adjourn, sine die,

Laid on the table.

On motion of Mr. M'Meens and Mr. Brewster, the Senate proceeded to the second reading and consideration of bill, No. 62, re-printed No. 82, entitled "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna, Juniata and their branches."

Section 1, being under consideration,

A motion was made by Mr. W. R. Smith and Mr. Mahon, to amend the same, by striking out in the 8th line, all between the words "*which*" and "*any*," and inserting these words: "*any constable shall be qualified in office for*;"

Which was agreed to.

A motion was made by Mr. Dewart and Mr. Coleman, to amend the same, by striking out of the 21st line, the word *fifty* and inserting *twenty-five*.

Which was not agreed to.

A motion was then made, by Mr. Mann and Mr. R. Smith, to amend said section, by adding to the end thereof, the following proviso, to wit: "*Provided*, That it shall be the duty of the constables of the several townships in the counties through which may pass any of the streams aforesaid, to give notice in writing, to all persons settled or residing on the lands opposite to or adjoining which said fish dam, basket or pounds shall be erected, in any of the streams aforesaid, forthwith to remove the same; and in case the said fish dam, basket or pound, shall not be removed within two days from and after the date of such notice, it shall be the duty of said constable, to proceed in the manner herein before directed."

Which was agreed to.

When a motion was made, by Mr. Mann and Mr. W. R. Smith, further to amend the section, by adding to the end of the 14th line, these words: "*after the expiration of the time hereinafter directed*."

Which was agreed to.

A motion was made by Mr. Mann and Mr. R. Smith, further to amend the section, by adding after the word township, in the 19th line, these words: "*who shall not remove the baskets or pounds as herein after directed*."

Which was agreed to; and

The section as amended, was then agreed to.

Section 2 being under consideration,

A motion was made by Mr. Mann and Mr. Dewart, to amend the same, by adding after the word "*expended*," in the 4th line,

these words: "*or such part thereof as shall appear just and reasonable.*"

Which was agreed to.

A motion was then made, by Mr. Dewart and Mr. Fry, further to amend the section, by adding in the 6th line, after the word "*auditors*" these words: "*or settlers of the accounts of the supervisors;*"

Which was agreed to; and

The section as amended, was then agreed to.

Section 3, being under consideration,

A motion was made by Mr. M'Veens and Mr. R. Smith, to amend the same, by inserting after the word *auditor*, in the 9th line, these words: "*or settlers of the accounts of the supervisors.*"

Which was agreed to.

A motion was made by Mr. W. R. Smith and Mr. Mahon, further to amend the same, in the 9th line, by inserting after the word "*court*," these words: *subject to their revision and adjudication thereon;*"

Which was agreed to. And

The section as amended, was then agreed to.

The title being under consideration,

A motion was made by Mr. Coleman and Mr. M'Veens, to amend the same, to read as follows: "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna or the branches thereof."

Which was agreed to; and

On the question,

Shall said bill be transcribed for a third reading?

The yeas and nays were required by Mr. Coleman and Mr. Eichelberger, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Brewster,  
Cadwallader,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Fry,  
Groves,  
Hill,  
Hubley,  
Mahon.

**NAYS.**

Messrs. Coleman,  
Eichelberger,

**YEAS.**

Messrs. Mann,  
Markley,  
M'Veens,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—24.

**NAYS.**

Messrs. Eyster,  
Henderson.—4.

So it was determined in the affirmative. And  
*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate again resolved itself into a committee of the whole

Mr. Mahon in the chair, on bill, No. 60, entitled "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight"

And after some time, the committee rose, reported progress, and obtained leave to sit again, on Tuesday, the 4th of February.

Adjourned until 10 o'clock, to-morrow morning.

## Saturday, February 1, 1823.

Mr. Feger presented two remonstrances of similar tenor, from sundry citizens of the Commonwealth, against incorporating the Schuylkill Coal Company.

Which were read and laid on the table.

Mr. Cadwallader presented a petition from sundry stockholders and others, of the Bucks county Bank, praying for a renewal of the charter of the same.

Which was read and referred to the committee on banks.

Mr. Herrington presented a petition from sundry citizens of the Commonwealth, stating the practicability of connecting the river Ohio with Lake Erie, by means of a canal, from the head waters of the Astabula to the Shenango river, in Crawford county, and praying that a company may be incorporated for that purpose.

Which was read and referred to the committee on roads, bridges and inland navigation.

Mr. Herrington presented a petition from Thompson Clark, of Mercer county, praying for a divorce.

And said petition was read and referred to Messrs. Herrington, Feger and Shulze.

Mr. Feger presented a petition from David Gring, of Berks county, praying to be authorised to dispose of his property by way of lottery.

Which was read and referred to Messrs. Feger, Eichelberger and Mahon.

Mr. Wurts presented a petition from sundry citizens of the Commonwealth, relative to the Chesapeake and Delaware canal.

Which was read and referred to the committee on roads, bridges and inland navigation.

Mr. Markley from the committee on the judiciary system, to whom had been referred, a resolution on the subject, reported a bill, No. 107, entitled "A supplement to the act entitled "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

Which was read the first time.

On motion of Mr. Hill and Mr. R. Smith, the following resolution was twice read, considered and adopted, to wit:

*Resolved*, That a committee be appointed to bring in a bill to provide for the taking possession of the plates, prints and other property of or belonging to the state, now in the hands of the representatives of the late John Melish; and also to authorise some person or persons to contract with an agent to continue the publication of the map, and superintend the sale thereof."

The bill, No. 62. re-printed No. 82, entitled "A supplement to the act entitled "An act to prevent the erection of fish dams, baskets or pounds, in the rivers Schuylkill, Susquehanna, Juniata, and the branches thereof," was read a third time, and passed. And

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Mahon and Mr. W. R. Smith, the Senate resolved itself into a committee of the whole, Mr. Mann in the chair, on bill, No. 75, entitled "An act to annul the marriage of Francis D. Cummins and Esther his wife."

And after some time, the committee rose, and reported said bill without amendment.

The Clerk of the House of Representatives being introduced, presented for concurrence the bills entitled as follow, viz:

"An act relative to turnpike road and bridge companies."

"An act for the preservation of wooden bridges within this Commonwealth."

And said bills were read the first time.

The Secretary of the Commonwealth being introduced presented a message and documents from the Governor, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Senate where they originated, viz:

"An act to enable the Governor to incorporate a company to make an artificial road from the Philadelphia and Great Bend Turnpike, in Abington township, to intersect the Milford and Owego Turnpike Road, at or east of Montrose"

"A supplement to the act entitled "An act to regulate the inspection of flour in certain western counties of the state," passed the thirtieth day of September, one thousand seven hundred and ninety-one."

I have also directed to be laid before you, agreeably to the request of the Governor of Massachusetts, copies of the proceedings of the Legislature of that state, on the subject of a proposed amendment to the constitution of the United States, limiting the power of congress to incorporate a bank or other monied institution, to the District of Columbia, proposed by the Legislature of

this Commonwealth. Also copies of a letter from the Governor of Maryland, and of a report of commissioners appointed by the Executive of Maryland and Virginia, to survey the river Potomac. And also copies of a letter from J. P. De Gruchy, president of the board of managers of the Northumberland Bridge Company, together with copies of the accounts of the company to the fourth of May last.

JOSEPH HIESTER.

February 1, 1823.

COMMONWEALTH OF MASSACHUSETTS.

*Executive Department, January 20, 1823.*

SIR: Agreeably to a request of the Legislature of this Commonwealth, I have the honor to forward herewith, a copy of a resolution, passed on the 17th instant; requesting that the same may be communicated to the Legislature of the state over which you preside;

And am respectfully,  
Your obedient servant,

J. BROOKS.

His Excellency,  
The GOVERNOR of Pennsylvania.

COMMONWEALTH OF MASSACHUSETTS.

The committee of both houses, to whom was referred so much of the message of his Excellency the Governor, as relates to a proposed amendment to the constitution, limiting the power of Congress to incorporate a bank, or other monied institution, to the District of Columbia, proposed by the Legislature of the state Pennsylvania, with the decision of the Legislature of the state of South Carolina thereon, having, according to order, had the same under consideration, thereupon ask leave to report:

It appears that the proposed amendment has been already acted upon, and decided by the Legislature of this Commonwealth, upon the original proposition of the state of Pennsylvania, by a resolution, passed 21st January, 1820, by which the Legislature expressed their non-concurrence in the proposed amendment. Your committee are of opinion, that the Legislature, having once acted definitively on the proposed amendment, have no further power on the subject, unless upon a new and original proposition, submitted to them by some other state, or brought forward in this Legislature. It becomes, therefore, unnecessary at present, to express any opinion upon the merits and principles of the proposed amendment; although, were the question an open and original one, the committee could have no hesitation in expressing their entire concurrence in the decision heretofore made.

Perceiving, by a reference to the above cited resolve, that no order was passed providing for communicating the decision of the Legislature of this Commonwealth on the proposed amendment, to the other states, and to Congress, and believing that such com-

munication is proper and necessary for their information and government, respectively, the committee recommend the adoption of the following resolution:

Whereas the Legislature of this Commonwealth, by a resolution, passed on the thirty-first of January, A. D. 1820, having considered the amendment to the constitution of the United States, proposed by the Legislature of the state of Pennsylvania, in the words, following, to wit: "Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia; and every bank or other monied institution which shall be established by the authority of Congress shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia;" and thereupon having decided not to concur in the said proposed amendment,

*Resolved*, That his Excellency the Governor, be requested to transmit a copy of this resolution, to the Executives of the several states of the Union, with a request that the same may be communicated to the Legislatures thereof: also to the President of the United States, with a like request that the same be communicated to Congress for their information, respectively.

[Approved by the Governor, January 17, 1823.]

(Copy.)

A. BRADFORD, *Secretary.*

#### IN COUNCIL,

ANNAPOLIS, *January 24, 1823.*

SIR: In pursuance of a resolution of the General Assembly of this state, we have the honor to send to you enclosed, a copy of the report of the commissioners appointed by the Executives of Maryland and Virginia, to survey the river Potomac, and have respectfully to ask that you will lay the same before the Legislature of the state over which you preside.

We have the honor to be,

With great respect,

Your obedient servants,

SAMUEL STEVENS, Jr.

His Excellency the GOVERNOR,

Of the Commonwealth of Pennsylvania.

*MESSAGE of the Governor of Maryland, communicating the report of the commissioners appointed to survey the river Potomac.*

#### IN COUNCIL,

ANNAPOLIS, *January 1, 1823.*

GENTLEMEN: The enclosed report has just been received from the commissioners appointed to view and examine the Potomac river and its branches, and we have the pleasure to transmit the same to the General Assembly. They state they had to contend



with many difficulties and embarrassments, but by perseverance and industry they surmounted them all, which in the opinion of this department, entitles them to great praise.

We have the honor to be,

With great respect,

Your obedient servant,

SAMUEL STEVENS, Jr.

The Honorable,

The President of the Senate, and

The Honorable,

The Speaker of the House of Delegates.

### POTOMAC RIVER.

*To his Excellency, the Governor of Maryland.*

The commissioners appointed by the law of Virginia and the resolutions of Maryland of the year 1820, jointly, to examine the affairs of the Potomac Company, the state of the navigation of the river Potomac, its susceptibility of improvement, and to make report whether the said company had complied with the terms of its charter granted by the two states, and its ability to comply within a reasonable time, and whether any and what aid should be given to the said company, and what would be the best means of effecting an improvement in the navigation of the said river, reports

That in compliance with the injunctions of the two states, they did assemble in Georgetown, on the 2d day of July last, and commenced the discharge of their duties by examining the affairs of the Potomac Company: and it appears the company had not only expended the whole of the dividing stock, but have incurred heavy debts which their present resources can never enable them to discharge, nor is it reasonable to expect in such circumstances, that they can ever effect the objects of their incorporation; a distinct statement of the accounts, debts, receipts and expenditures of the said company, is hereto annexed, marked A.

The provisions and special conditions of the charter and laws of the two states, then occupied their attention previous to the examination of the works which had been executed under the direction and at the expense of this company on the river. From the best consideration which they could give the subject, it appears to the commissioners, that the Potomac Company have failed to comply with the terms and conditions of the acts of their incorporation.

An abstract of the charter and the laws relative to that subject are herewith presented, marked B. It will be there seen that the right to take tolls and all other privileges were granted them on condition that the navigation of the river should be completed within a given specified time, which has been variously extended by subsequent laws, and finally expired under the Maryland law on the 1st of January, 1813, and under that of Virginia, on the 1st January, 1820. That the navigation required to be effect-

ad, was such as should "render the river well capable of being navigated in dry seasons, by vessels drawing one foot of water," that upon an application by the Potomac Company, to the Legislature of Virginia, in 802, for an exposition of the words "dry seasons," that the Legislature declared, that those words, as used in the charter, were to be intended and understood "all seasons" an interpretation of which the correctness cannot be well questioned. From an actual measurement of the depth of the river by the commissioners, it was ascertained that at the time of their examination of it, there was not a sufficient depth of water for the navigation of boats drawing even six inches. It is true that at their session of eighteen hundred and two, the Maryland Legislature passed a law founded upon the idea that the Potomac Company had accomplished the object of their incorporation, confirming to that company all the rights and privileges conditionally granted in the charter. But it is extremely apparent, that to absolve from an obligation, requires equal or paramount power, to that which imposed it, and of course neither Virginia nor Maryland, could singly release a condition, which the Potomac Company had bound themselves to both to perform. The act of the Maryland Legislature can therefore only be considered as nugatory; and indeed that Legislature itself seems so to have considered it, for in the year 1809, seven years after the passage of the confirmatory, it passed another law extending to that company the time of completing the navigation of the river. The commissioners upon full consultation, do not deem it prudent or expedient, to give further aid to the Potomac Company; the only alternative therefore that remains is to divest them of their charter, and adopt some more effectual mode of improving the navigation of the river; nor can this procedure be regarded as harsh, when duly considered; the law and justice of it, it is presumed have been made manifest. Will it be an injury to the stockholders? Look at the exposition of their affairs marked furnished by the company itself; see the annual amount of their tolls, and in the present defective state of their navigation, which they have no means of improving can it ever be increased? Deduct from it the expense of repairs and contingencies as salaries to clerks and tollgatherers, and then compare it with the amount of their debts, or even the annual interest of those debts, and visionary indeed must be that man who can expect ever to draw a cent of profit from such stock, with such resources; can such debts ever be redeemed? The fact is, the Potomac Company are precisely in the situation of all other chartered companies, who fail in their undertakings; their expected profits have eventuated in loss and disappointment.

It is due, however, to that company to state, that although the errors under which they labored in the principles and practice of improvements in navigation, have been great, and have caused a useless expenditure of large sums; still they acted with the best lights heretofore possessed by the best informed persons in our states. They have not only expended the whole of their original stock in attempts to improve the river, but nearly all their tolls,

with the exception of their necessary annual expenses, have been appropriated to the same purpose. And this failure to accomplish the objects of their incorporation may be fairly attributed to a want of information on the subject at the very early period of our existence as a nation, when that company was formed.

The journal of notes made by the commissioners of the condition of the navigation and depth of water, taken from day to day, as they descended the river, is hereto annexed, marked C, from which it will be seen, that the river to Goose creek, which has been ascertained to be one hundred and fifty seven miles long, is in no section of ten miles, at all navigable in low water by loaded boats of any kind or dimension, and for more than eighty miles obstructions from shallows sufficient to stop a skiff, are to be met with on an average division of that distance every half mile.

### *The present state of the Navigation.*

It has been stated and is believed by many persons, that the river Potomac in its present condition is navigable nearly half the year. The Potomac Company are required to give a low water navigation of a foot deep throughout the year. This circumstance and the idea entertained of the possibility of confining the waters in the bed of the river to narrow sluices, have confirmed this opinion. The commissioners have given a minute examination to this branch of the duties imposed upon them, and satisfied themselves from their own observations, and the most careful inquiries, that no such blessing is enjoyed by the fertile districts through which the river flows.

The floods and freshets give the only navigation at present used. They occur usually from the 1st September to the 20th June, variously however, in various years. And it so happens that although boats are known in some years to pass down through each of the months intervening between these dates, yet in consequence of the ice during winter, and the short continuance of a flood, giving navigable water, the average duration of the boating time in a course of many years does not much, if at all exceed eight or ten days passable water for full loaded boats late in the year, and from twenty five to thirty-five days in the spring of the year, making the whole time, when produce and goods can be stream borne in the course of one entire common year, from thirty-three to forty-five days. The duration of this period necessarily increases as you approach the Great Falls, and decreases as you ascend to the head of the river. The evils attending the present state of the navigation lessen the benefits which might be supposed to be derived from even this short period. They chiefly consist in its uncertainty and dependence on the vicissitudes of the seasons, in the great rapidity of the current of the river in consequence of the great fall or inclination of its plane, in proportion to its length; in its dangerous character arising from the wildness of the torrent and the suddenness of its courses and meanders, having worn its devious way in the lapse of ages through countless ridges of rocks and mountains; and in consequence of huge fragments of rocks and large loose stones

the remains of the wasted mountains, scattered thickly, and in some places rising over the entire bed of the river, and leaving no passage for loaded boats, impelled by the rapid and impetuous current, but what may be found by warping and winding with the utmost exertion of strength, ability and watchfulness on the part of the crew, through a most irregular course. By these dangers many boats and cargoes are destroyed. The uncertainty and the shortness of the duration of the floods, are the very worst features in the character of this navigation. This uncertainty frequently occasions the most ruinous disappointments to the farmers, millers and merchants. The expected rains are often denied, and the consequence frequently is, that contracts cannot be complied with, which occasion loss and ruin. Sometimes a small rise and deceitful appearances induce a collection of the scattered crew of the boatmen from the mountains, and a general shipment of produce. By the time they have descended forty or fifty miles down the river, a fall in the water takes place; the boats are compelled to stop, and their storage, increased expenses, neglect of agents and natural causes, waste the profits, or damage the produce of all concerned. This chiefly occurs in the upper part of the river. Sometimes the rains come on sooner than they are expected, and the rise and fall on the river succeed each other before the farmers are prepared to make their shipments; then the crops lie on hand till next year, subject to all the inconveniences and losses accompanying such circumstances. And when the floods are the most propitious, and the navigation is the best under existing circumstances, the usual consequence is, that the produce of immense districts of country, among the most fertile in the union, is all forced into market at one time, and a capital which might be sufficient to give better prices, if the merchant had time to receive the proceeds of one investment, before he made a second, is found inadequate to give a fair price, to all, under such disadvantages. Thus the farmer has frequently no alternative left, but to sacrifice the fruits of his year's labor. The expenses are already too great, and produce will bear no additional cost or risk of shipping farther, and to carry it home again is impossible; for sometimes even the boat which brought it down, cannot be floated back empty. It is surely to be lamented that wretched as is this navigation, it is the sole dependence of a vast extent of country, which in spite of its fertility, and the value of its inexhaustible minerals of the most useful kind, is most evidently drooping and suffering, for want of a ready market for its productions, without which stimulus, it is impossible for its agriculture to flourish, or its natural resources to be developed.

Bad indeed as is the navigation above described, still this conveyance is preferred by all who can avail themselves of it, to land carriage. With all its uncertainties and risks, it is found cheaper by all the farmers and millers than maintaining supernumerary horses throughout the year, for the purpose of carrying produce to market. If additional proof were required, a stronger cannot be adduced, than this very circumstance of the immense

superiority of navigation over land carriage. If navigation incumbered with so many risks and uncertainties, and unavoidable expenses, is still preferred by all who can avail themselves of it; to the usual land carriage, assisted by improved roads to all the seaports; and if this, the worst and dearest of all kinds of navigation, does yet give an increased value to the lands contiguous to it over those whose sole reliance in the turnpike, what may we not reasonably calculate will be the still further increased value of the lands afforded by a safe and constant still water navigation?

### *Sluice Navigation.*

As what has been called sluice navigation, has been the kind adopted by the Potomac Company and the one on which so large a part of their funds has been expended, it may be necessary to give an explanation drawn from actual observation of what has been done and tried for many years, of this kind of work on the Potomac.

The sluices on this river are of three kinds: the first which are chiefly found in the upper part of the river, are channels formed by low walls. The second are channels formed by excavating the rocky bottom of the rivers. The third kind which are yet used, and have been of service, to the navigation in high water, are channels opened near the banks of the river, around the rapids and small falls in the current, as at Harper's Ferry, Payne's Falls, &c. to avoid the great force of the torrent in mid stream in such situations and with the view of giving the boatmen a land path on the bank, on which by a rope they may drag the boat up the stream, when the violence of the current is too great to be overcome by setting poles. These channels though used, are of very imperfect and temporary construction, the bottoms of no one of them being graduated. They are certainly too imperfect to be called canals although such is their common appellation. The two first of these kinds of sluices are formed on erroneous principles and have failed to render any service to the navigation of the rivers. The errors in the first requiring detail will be presently explained. The errors in the second kind, or in excavating channels in the bottom of the stream, consist in attempting on a long line of a stream, inclining all the way in its whole length, to regulate the depth by partial cutting or deepening the bottom. Unless you bring water to a level the whole length of the line of its stream, any partial cutting or deepening in spots along the line so inclined, only serves to transpose a shallow a little further up the line, or to make hollow basins of no service. And in a river where the chief failure in its navigation arises from the too long and too frequent deficiency of depth of water necessary for boating, owing to the great inclination of the plane of its stream and to its consequent rapid discharge of water, if you smooth the plane by removing all obstructions, the rapidity will of course be increased, and the sooner will the deficiency in the depth be felt. The low dam or walling plan of improvement though the opposite in its effect to the one described and not so radically erroneous on gen-

and principles, is no less so in its application to such a river as Potomac. To make this manifest, some detail of the circumstances in which they are used and placed is necessary. The ruins of this kind of work are to be seen some distance above Cumberland, not however reaching to Savage river, and extend at greater or less intervals, to where the general depth of water is considerably increased, becoming more and more rare, as the water is more abundant. They consist in low dams running across from shore to shore, elevated about 18 inches or two feet from the bottom and made of rounded stone picked up out of the bed of the river, of the size that a man can conveniently handle, the greater part not larger than a man's head, and raised on a broad basis of from ten to twenty feet in width. This transverse low wall or dam is usually connected with two walls about the same height, but built on a narrower basis of from six to eight feet placed parallel to each other, and to the shores, at the distance of 20 feet from each other, through which passage, by a gap in the transverse dam, it is intended to force the current of the river, and to deepen the waters by collecting it into this artificial channel. The number of these transverse walls connected as stated, with 20 feet sluices on the river, is very great, but it was not thought necessary to count them. Indeed in such a state of ruin were the greater part of them found that they were difficult to be distinguished from the numerous fish dams found along the whole course of the river. A few, but enough of them were in a sufficient state of preservation to be examined and to afford the means of ascertaining how far they were calculated to answer the ends intended. The commissioners are not prepared to say what might be the effect of this kind of walling on other rivers; but they are well assured that the river Potomac cannot be usefully confined by such contrivances, even if they were made in the best manner of which that kind of walling is susceptible. The bottom of this river which forms the drain of a mountainous region of such wide extent, is very unequal in its level, and abounds in shallows and basins, according to its obduracy or softness, and to the increased or diminished force of the current; sometimes weakened by expanding in widened plains, or in the formation of islands; sometimes increased by contraction between mountains and rocky banks; and above all by its flowing so rapidly, in consequence of the greatness of its fall compared to its length. The result from such circumstances on this kind of work, situated in the bed of such a river, is that these walls cannot be made sufficiently permanent, and if they could, so very many of them would be required to attain even a trifling depth that the benefit would be infinitely too dear, or an absolute waste of money. These walls from their nature cannot be light, but if they could be made so, and the whole body of the water in such a river, could be confined to a channel of twenty feet, the velocity of the current rushing through these short channels with full room to spread after it has passed, would be increased in proportion to its confinement, and the whole volume of water in the river in the summer and

dry seasons, especially above the south branch would not be sufficient to give the depth required by boats of sufficient size to be useful in transportation where the quantity of water of this river is much increased by the larger tributaries, in order to give 18 inches depth, and less would be of no use, it would be necessary to continue the parallel walls much further than they have ever yet been attempted, so as to give them a length sufficient to reach over the whole extent of continued shallows, which were found in places to cover 3 and 4 miles. The effect of lengthening the sluice walls would be in some measure to lessen the velocity and of course to increase the depth of the current; but the evils are much too great to be usefully remedied by the small effects which could be produced by these means if it were practicable to give durability to walls so built, and so placed. Walls of this kind when drawn so long, and winding and bending as would be necessary to follow the course of the current, would be objectionable for other reasons independent of the increased cost and increased liability to destruction. Such as the extreme difficulty of guiding a boat with sufficient accuracy in these narrow confined torrents, so as to prevent her striking and bilging against or over the side walls in descending;\* and in ascending them, her progress would be very much retarded by the increased force of the current consequent on its confinement. Now on the supposition of a large proportion of the distance being so confined, many weeks would be added to the length of time consumed in a trip to and from market already inconveniently long. In some places capsons would be required to be placed on the banks to overcome the opposing power of the current. For these reasons and from the experience already had of the perishable nature and trifling utility of this sort of work, it appears that it would be idle to attempt any thing in future of this kind.

### *Lock and Dam Navigation.*

Another mode is by some relied upon, to improve the navigation of this river, in consequence of its supposed greater cheapness than a canal properly so called, and consists in deepening the water in the bed of the river, sufficiently for the purpose of navigation, by high dams of large stone and solid construction, with a lock or two locks to each dam, and a short canal for the purposes of descending and ascending each level.

This mode has many and great inconveniencies inseparable from it; the most important objection to it is the greater expensiveness of the kind of navigation which alone it affords, that is, in boats managed by men instead of boats drawn by a horse; beside this general objection, many reasons may be adduced to shew why it cannot be advantageously adopted on the Potomac river; the general width of this river is too great, the fall is also too considerable, and the alluvial margins which alternate from the

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\*The greater part of the wrecks which of late years have occurred, according to information along the rivers, were in consequence of the boats being dashed against the sluice walls.

right to the left bank of the river, the whole length of its course to tide water, and which vary in elevation from fifteen to thirty feet, would in high water, without enormous expense, form insecure abutments to the dams. This kind of margin being formed of loose earth, of comparative recent formation, would when obstructions are placed in the bed of the river, be liable to be forced and washed away at the extremities of the dams; the dams themselves, although ever so solidly built, would require frequent repairs; the fall in the river from Cumberland to tide water being about 537 feet, would require about 53 dams, as the banks would not admit of a greater elevation being given to the dams than 10 feet, without great risk of damaging the marginal property, and of increasing the liability to frequent injuries to the dams themselves;\* each dam would require a lock of the same lift as the dam, and also an entering canal with a guard lock, of considerable elevation, to be used in high water; add to these the danger of being thrown by the current over the dams, however judiciously located, below the guard lock, and the inconveniencies that would arise in high water. Taking all those disadvantageous circumstances into the account, consider the number of dams, locks, &c. and their great length from 100 to 800 yards, and the necessary solidity required in their construction, and then calculate the other incidental expenses, the whole amount would be nearly equal to the cost of a regular canal, and the advantages would be infinitely less. Upon a full view of the different plans therefore, it cannot for a moment be doubted, but that the adoption of a regular canal out of the river, though following its ravine, will be the most useful and durable improvement; and when the advantages and cost of each mode are relatively considered, incomparably the cheapest. The canal which, under all circumstances, the commissioners have thought best calculated to suit the localities of Potomac river, on which our estimates are founded is one 30 feet wide at top, 20 feet at bottom, and 3 feet deep; the earth to be thrown out next to the river to form a tow-path, elevated two feet or thereabouts above the level of the water in the canal, and the track of the tow-path, to be 10 feet wide. The level of the canal to be generally elevated above the highest floods, except when it is found necessary to take in a supply of water from the river, or to pass expensive ground along a rocky shore; thirty feet, it is supposed is the necessary width to admit the passage of two boats of sufficient size to carry 25 tons, and to admit of a small platform on the bow of the boat, sufficient to take a horse in upon, as that in two places would be necessary, where it has been found expedient to cross the river by means of a dam, to avoid too expensive cutting or walling. In order to ascertain the practicability and cost of this plan, the commissioners have had the assistance of the late engineer of the state of Virginia, on whose sound practical judg-

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\*Lock and dam, is the kind of navigation adopted on the Schuylkill river, but that is a small narrow river, with high banks; and much damage it is said has been done to marginal property in consequence of the dams.



ment and knowledge entire reliance may be placed, more especially after the test his estimates have undergone on that part of the James river, where part of the canal he had designed, has been completed.\* And it has been there found that contractors and undertakers in sufficient number can be obtained from various parts of the United States, to undertake the works at the estimated cost, whenever the states think proper to authorise the cutting of a canal. The report and calculations on this plan, made from Mr. Moore's field notes, by Mr. Isaac Briggs, who has been appointed his successor, as far as we proceeded before the adjournment, occasioned by the serious sickness of the greater part of the commissioners, and of the engineer and surveyors; that is about half a mile below Goose creek, and since to tide water, are herewith presented, and shew the utmost probable cost of such canal for that distance; plats of the courses of the river and canal will likewise accompany the plan and calculations, and all be hereto annexed.

The commissioners have endeavored in their examination of the manner and costs of improving this river, to take as complete a view of the subject, as circumstances would permit, so as to present to the Legislature such a representation, as would enable them without losing sight of the ulterior advantages which must grow out of a canal so located, and out of the consequent future ramifications and extension of which it will necessarily be the parent, as to be able to shew, not only the entire cost of the undertaking, as far as the national road at Cumberland, but the cost of so much as may now appear, within the limits of the ways and means of the two states. With this view they directed the engineer in the outset, to make his calculations of the surveyed route in sections, so as to shew the whole costs of each section, from one important point to another, along its whole course. This they supposed would place the commencement of this great work completely within the reach of the resources of the states; as whether the canal commenced for the present at Cumberland, and descended the river where the greatest obstructions to navigation are found; as far as William's Port; or at tide waters, and ascended the river, every section when completed, would add to the value of the commerce and soil of the states, and therefrom, something would at once be received in tolls. The level and survey of the whole course being once ascertained and decided, any part of the work likely to afford the greatest benefit and profit, might be completed in such a manner, as to be united with the remainder without addition of cost or any derangement of the plan. This partial cutting in sections, would enable the states to keep their expenditures within reasonable bounds, and to guard against the necessity of oppressive burthens. At the same time that they would lay the foundation of an improvement, which when extend-

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\*Mr. Isaac Briggs, the present engineer, was himself a contractor for the cutting of a part of the James river canal, which has been completed, and can experimentally attest their correctness.

ed across the mountains and completed, it is no vain boast to say will be of greater importance than any other of which the topography of the United States is susceptible.

The territorial feature of the United States, which is most important to all our relations, political, commercial, and social, is the extensive range of mountainous region which divides the rivers falling into the Mississippi, from those which fall into the Atlantic Ocean. It forms a wall of separation between the west and east, and the difficulties it presents has diverted the western commerce from the nearest sea ports, and caused its general current to seek distant outlets around its southern and northern extremities. Such, however, is the wise arrangement of Providence, that where the evils resulting from this great barrier operate most severely, that is, nearest to its centre, it has placed the remedy within our reach. Of all the rivers which reciprocally drain the lands beyond and on this side the mountains, the Ohio on the one side, and the Potomac on the other, extend their ramifications, of which any use can be made, nearest to the summit and level of the dividing ridge. Such also is the favorable shape of the mountains at this point where the waters approach nearest, that its flattened surface forms extensive and luxuriant meadows, called glades. A well known operation of the laws of nature, at this elevated point, at all times many degrees cooler than the surrounding air, condenses the vapors and attracts the clouds rising on either side of the mountains, so that these elevated plains or glades in the driest season, are copiously supplied with water, and afford rich and abundant pasturage, when all the vallies below them are parched with drought. Deep creek is a western stream falling into Youghiogany, which forms in these glades, and is situated at that point from which the commissioners commenced their measurement, within two hundred and four feet of the summit of the dividing ridge, and can be brought by a cut within two miles of a branch of Savage river, called Crab-tree run, at the junction of its branches, at Swan's old mill, on this side of the mountains. Deep creek is a copious stream with banks nearly perpendicular, running through the soft earth of the glades, and was in the season when they examined it, (supposed to be the driest which has occurred within the memory of most men living) from three to four feet deep, and from nine to twelve feet wide, with a current of about one and a half miles to the hour. There is a narrow\* pass in a ridge of the glades through which Deep creek makes its way, where, by erecting a dam of fifteen or twenty feet high, and not more than forty or fifty yards long, these meadows may be inundated, and an immense pond may be formed equal at least to three or four miles in length, and half a mile in breadth. This reservoir it is believed, would furnish sufficient water for locks, and a canal, if carried through the dividing ridge by a tunnel two miles long to descend and ascend both sides of the mountain, to the Monongahela on the west, and to Savage river on the east,

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\*Called Hoophole Ridge.

especially when recruited, as you descended by Big Youghiogany on the west side, and by Crabb-tree run, on the east side, respectively. The fact was not ascertained; but from the position of the sources of Little Youghiogany, it is believed they might easily be conveyed into the same reservoir.\*

Sufficient attention has not heretofore been paid to the invaluable supply of water afforded at this elevated point, by the principles of attraction and condensation. Whenever mountains present a flattened surface near or at their summit of any extent, sufficient to prevent the rapid waste of water, which steeply occasion, they generally possess all the qualities of the best meadow land. Mr. Gallatin, in his masterly report on the roads and canals of the United States, has entirely overlooked the consequences of this operation of natural causes at this point, and asserts from the supposed absence of such a reservoir the impracticability of uniting the western and eastern waters. His words are these, "the impracticability arises from the principle of lock navigation, which in order to effect the ascent, requires a greater supply of water in proportion to the height to be ascended, whilst the supply of waters becomes less in the same proportion." "Nor does (says he,) the chain of mountains through the whole extent where it divides the Atlantic from the western rivers, afford a single pond, lake or natural reservoir." In this assertion, happily for posterity, this eminent statesman is substantially mistaken; and it is highly satisfactory to know that this grand desideratum can be found; and that whenever the resources of the nation are deemed sufficient to undertake the magnificent labor of perforating the great barriers of the east and west, by the short tunnel required, water will not be found wanting for canalizing purposes. The want of the necessary supply of water is the main consideration; and next, whether the objects to be attained are worth the expenditure required. Mr. Gallatin in another part of his report justly remarks, "Nor should the plan on account of its magnitude, be thought chimerical, for the elevation and other natural obstacles of intervening ground, or want of a sufficient supply of water, and not

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\*These glades and this slowly gliding stream were to us surprising objects, elevated as they are, and situated among the spurs or lateral ribs of the Little Back Bone mountains, which have but a small rise above these natural meadows, and exhibited to the eye fatigued with the severity and rudeness of the face of nature, in the tedious ascent to their elevated plains, an appearance no less delightful than unexpected, of an open level country, clothed with flowers and rich verdure, -intersected with gently rising hillocks, crowned with trees, not thick or impenious to the sight, nor continued along the combs of these two hills, but detached in clumps, presenting the pleasing delusion of an improved and ornamented country.

distance, are the only insuperable impediments to an artificial navigation.\*

The route for a canal from Cumberland to the Monongahela, across the mountains, and its practicability are so intimately connected with the canal at present contemplated, that it necessarily blends itself with every view of the subject. It was for this reason that the work was commenced at Deep creek, the better to judge of its practicability and of the reasonableness of the consequences expected to arise from opening the canal navigation, as far as now recommended. The section across the mountains to the states of Virginia and Maryland, would at present undoubtedly be an undertaking beyond their ordinary means. But to the states of Ohio, Kentucky, Pennsylvania, Virginia and Maryland, who are all immediately concerned it might not prove so; and certainly not to the United States, who are no less deeply interested in its accomplishments, upon political considerations; involving our dearest interests of internal strength and security in war, of commerce and revenue, and the preservation of the Union. Of its practicability, it is believed little doubt can exist, as the necessary supply of water can be found. The cost of the lockage and tunnel are the only real obstacles. When the practicability of a line of canal is ascertained, where a doubt can at all exist, as to the relative preponderance, it is the province of prudence, previous to the adoption of an expensive plan of improvement, to weigh in the scale of computation, the cost and labor against the advantages expected to be derived therefrom. The cost of the section of a canal from Cumberland to Monongahela, although it will, whenever the estimate is made, be found comparatively much greater than on lower lev-

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\*The following extract from Mr Hamilton Fulton's report to the board of public works of North Carolina, for the year 1821, page 22, will give you an idea of the operation of locks on canals, and of a new method of *saving the waste of water*, so precious at great elevations, by means of basins or ponds arranged in a particular manner, where many locks are necessary to surmount considerable elevations. Mr. H. Fulton is an engineer of celebrity, induced by North Carolina, to come to this country from England. Extract. "Although I do not approve of more locks than one being built at one place, yet the work, &c. double, treble, quadruple, &c. chains of locks cause much detention and waste of water, as the following examples will shew, viz: If a boat has entered the upper lock for the purpose of descending, no other boat can ascend until she has got out of the lower lock, and vice versa. If a boat ascends immediately after one has descended, as many back falls of water must be drawn from the summit as there are locks in the chain; and if a descending boat succeeds the ascending one the whole of the water is lost except one lock full. Thus an ascending and descending boat in a chain of six locks, will draw off six locks full of water from the summit, while an ascending and descending boat passing through six single locks *with ponds of sufficient capacity* between each, will draw off only *one lock full* from the summit.

els, yet will fall far short of what an inexperienced public have heretofore imagined. But on the other hand, who will undertake to enumerate the advantage and growing profits on the trade of the only canal, which is practicable between the waters of the Ohio and the Chesapeake? It is only necessary to see the unequalled location of this central route; the length of the barrier of mountains which it would sever; the boundless region of the north-western states and territories, and the extent literally unparalleled on the globe of the already connected inland navigation, by means of the great lakes and colossal rivers, to be united with Potomac, and to consider the greater distance and expense of getting to and from other markets on our seaboard, to be entirely satisfied that in a country increasing in population, wealth and the knowledge of political economy like ours, that the object to be attained in a pecuniary point of view alone, is beyond calculation; and it affords the most ample guarantee for the interest and capital that may be invested to complete it, whatever may be the amount of such investment; and cannot fail moreover, to be a vast and always increasing source of the revenue hereafter, either to the states through which it will pass, or to the United States, whichever may undertake it. The paramount and primordial claim of this route to public attention is evinced by the location of the National Road, and also of the seat of government, and no less so by the early date of the charter of the Potomac Company, immediately after the peace establishing our independence. This last circumstance shews it to have been the very first object of this nature, which engrossed the attention of Virginia and Maryland, when we had scarcely drawn the first breath of emancipation. The manuscript calculations of our Washington, who was the father of this company, shew that in his mind the western trade and the improvement of the Potomac, were always intimately connected. He makes the difference between the route from Detroit on Lake Erie, by way of Fort Pitt, now Pittsburg, and Fort Cumberland, to Alexandria, and that to New York, in distance 496 miles, or upwards of 500 miles to tide water in favor of the former.\* This grand speculation of this great man of drawing the commerce of the lakes and the north-western territories to Alexandria, requires only the union of the waters of the Ohio and Potomac, in order to be realized; and with daily increasing experience and a full sense of the rapid advance in the value of the great prize, it cannot fail ere long to be begun and completed. It is supposed, that when the nature of a voyage from the states north of Ohio to New Orleans or to New York, is contrasted with a voyage to Washington on Potomac, on the supposition of the navigation being perfected across the moun-

\*Manuscript calculation of General Washington. From Detroit by the route through Fort Pitt and Fort Cumberland,

To Alexandria	607,
Richmond	840,
Philadelphia	741,
Albany	943,
New York	1,103,

tains, that in many respects the advantages will be so considerable in favor of Washington, that it will in most instances be preferred. This preference over New Orleans, will arise from the down stream navigation of the rivers emptying into the Ohio; in the gentle current of the Ohio, compared with the rapid stream of the Mississippi, taking into view the time, labor and expense of returning, as well as going to market on each route, and the effect of the climate of New Orleans, in damaging flour and bacon, and all vegetable and animal productions, and its dangerous influence on more northern constitutions, as also the very great difficulty and length of time it requires for ships to get up from sea to that city. Over New York, the advantages will consist in the shorter distance, and the necessity of navigating the lakes in vessels of a different construction from those used in rivers, and on canals requiring a change of hands, navigators, and the repeated removal of cargo from the one kind to the other, while the owner of a boat will be able to go and come all the way to Washington, in most instances, with a crew of his own neighborhood. Add to these reasons, the circumstance of the New York canal being closed, one month longer by ice every year, than a canal on Potomac, and the superiority of this route will be manifest.\*

*General advantages of canal or still water navigation.*

On a canal, such as is now proposed, a boat carrying 25 tons burthen, will be enabled to go up the river course, with the same facility she goes down; the navigation on the canal will be always good, except when it is closed by ice. The present condition of the navigation of Potomac river, has been explained, and the difference in these important respects, is too glaring to require additional comment.

\*The comparison of the distances and difficulties now existing between New York and Washington, on the route from Pittsburg to both, is stated as follows:

Pittsburg to Brownsville by stream,	60 miles.
Brownsville to Cumberland, turnpike,	72
Cumberland to Georgetown by stream,	188
	<hr/> 320
Pittsburg up the Allegheny to Waterford,	160
Portage to French creek,	14
French creek to the canal by the lake,	90
Down the canal and Hudson to New York,	520
	<hr/> 784
	<hr/> 320
	<hr/>
Difference in favor of Washington,	464

There is fifty-eight miles less portage to New York, but to balance this there is one hundred miles more upstream, and ninety miles more lake navigation.

The usual load of a wagon on our turnpikes is stated at three tons; a boat, one man, a boy and horse, will be equal for transportation then, to more than 8 wagons, 8 men and 40 horses, each travelling at the same rate of distance in equal time.

A calculation is hereto annexed, marked D, which shews that taking into view the daily expenses, interest on outfit and wear of the wagons, men and horses required to transport 25 tons, and the same expenses, interest and wear of a boat, man, boy and horse, required to bear the same burden on a canal, the transportation by land carriage is 20 times greater than by canal. It may well then be stated "that the public would be great gainers, were they to lay out upon the making of every mile of canal, twenty times as much as they expend upon a mile of turnpike road; while a mile of canal is often made at less expense than a mile of road;" though commonly it has cost on recent work in the country, something more per mile. This excess has rarely exceeded a third of the cost of a mile of turnpike, locks, culverts, &c all considered.

To shew how the tolls may be increased for the benefit of a canal company, while the freight is still lessened very considerably, an example given by the late Mr. Robert Fulton, is so strongly stated and clearly illustrated, that we cannot do better than insert it verbatim "By the Lancaster turnpike from Philadelphia, to the Susquehanna at Columbia, is 74 miles; on it from Columbia to Philadelphia, a barrel of flour, (say 200 weight,) pays one dollar carriage; a broad wheeled wagon carries 30 barrels of 3 tons, and pays for turnpike 3 dollars; thus for each ton carried, the turnpike company receives one dollar; the making of the road cost 444,000 dollars, or on an average of 6000 dollars a mile. I will now suppose a canal to have been cut from Philadelphia to Columbia, and with its winding to make 100 miles, at \$15,000 a mile, or for the whole 1,500,000 dollars. On such a canal one man, one boy and horse, would convey 25 tons 20 miles a day, on which the following would be the expenses: a man, 1 dollar; a horse, one dollar; a boy 50 cents; tolls or repairing canal, 1 dollar; tolls for passing locks, &c. \$1 50 cents Interest on the wear of a boat, 50 cents; sum total 5 dollars. This is equal to 20 cents a ton for 20 miles, and no more than one dollar a ton for 100 miles; instead of 10 dollars paid by the road; consequently for each ton carried from Columbia to Philadelphia on the canal, the company might take a toll of *six dollars* instead of *one*, which is now got by the road, and then the flour would arrive at Philadelphia for *seven dollars* a ton instead of *ten*, which it now pays. The ton of merchandise taken from Philadelphia back to Columbia, would also pay 3 dollars less than it now pays.

Suppose that exactly the number of tons would move on the canal, that are now transported by the road. Again let it be supposed that at one dollar a ton, the turnpike company gains 5 per cent. per annum on their capital of 444,000, or 22,200 dollars, consequently 22,200 tons must be carried, which at *six dollars a ton* to the canal company, would give 133,200 dollars a year,  $8\frac{1}{2}$  per cent. for the capital of 1,500,000 dollars."

In order to see the immediate effect of cutting a canal from tide water to Cumberland, it is necessary to ascertain the amount of tolls now taken on the roads leading from and through those districts of country, which will avail themselves of the cheaper conveyance by canal, as from Leesburg by Alexandria and Georgetown, and from Union Town by Hagerstown, Boonsborough, Fredericktown, &c. to Baltimore and Georgetown. The tolls now taken on these roads, and also at the Great Falls of Potomac, may be five or six times increased in amount on the canal, and still in consequence, of the great saving in freight; as above stated and exemplified the cost of transportation to the owner of the produce or goods, will be greatly cheaper, than it now is by the road.

But by far the greater part of the tolls received on canals generally, and likewise on this canal, will accrue on those articles, which are too bulky to be transported to any considerable distance by roads or the present navigation. The use of these necessary, although cheap articles, is now almost wholly denied to a large inland population, and the benefits of such as the interior affords, excluded from the seaboard; among these are fuel, the materials for building, and certain articles of food and domestic use, to wit: coals, cord wood and charcoal, lime, slate, marble, iron, timber, potter's earth and tanner's bark, indian corn, oats, barley, salt-beef, pork, cider, fruit, tar, turpentine, &c. The supply of these articles to be obtained from the banks of the Potomac and its branches, is literally inexhaustible, for which there will be a growing demand. These will constitute articles entirely new to the commerce between the interior and seaboard.

The chief articles at present exchanged by the interior with the seaboard, are flour, hemp, flax, wool, bacon, lard, whiskey, tobacco, ginseng, tallow, bees-wax, pearl ashes, live cattle, hogs and horses.

The productions, for which will be created a market altogether new, and those of the seaboard and of commerce, for which the demand will increase in consequence of opening a canal, are plaster of Paris, salt, fish oil, fish, all the other productions of the rivers, and every kind of foreign merchandise.

The fisheries on the rivers emptying into the Chesapeake, will be doubled in value. The coasting trade of the Chesapeake will be increased; ship building will be promoted; and in fine, the states will feel the beneficial effects of such an improvement, in every quarter and extremity of the territory.

The article of coal, which is found in such profusion in the vicinity of the North Branch of Potomac, of a quality equal to the best Liverpool coal, in the event of the completion of the canal, may be afforded in Georgetown, at 20 cents, making full allowance for freight and tolls, at the same rates as paid by grain and more valuable articles; and if on such cheap bulky articles of the first necessity, the freight and tolls are rationally



lowered, as would be politic and reasonable, it may be furnished at 16 cents or less. The price may be thus ascertained; supposing a ton or 2,240 lbs. to pay one cent freight and one cent toll per mile, and where the pits are eight or ten miles removed from navigation, as is the case of those near Cumberland, and the coal have to be carried that distance to the canal in wagons, the price will be,

For wagoning 1 bushel 10 miles,	6 cents.
Price and digging 1 bushel,	2
Freight for 190 miles,	6
Tolls for same distance,	6

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But supposing the tolls and freight on articles of this kind, reduced one-third as may well be done, with a view to extend the market, the price might be stated at 16 cents.

† The price of coal has varied of late in the sea ports, from 25 to 37½ cents per bushel. In Europe the existence of abundant coal mines is supposed alone a sufficient inducement for cutting a canal, so many are the uses and so immense is the consumption of this article, when it can be obtained on moderate terms. Fuel enters so largely into the price of every article manufactured, that on its cheapness depends, in a measure, the success of numerous establishments, which at first view seem to have no connection with it; and in all articles wrought by fire and steam, it is the principal ingredient of price; in our country, even the productions of agriculture will be increased by a reduction in the price of coal. The whole of the wood reserved for fuel, in the rich vallies along the Potomac and its branches, would be cleared, and the land brought into cultivation; nor would the beneficial effect here end, but would be felt throughout the borders of the Chesapeake.

Slate banks of excellent quality for roofing, are found in still greater abundance than coal, and more of them immediately on the banks of the river, so that if facilities for transportation were carried to the quarries which might be opened, slate for roofing could, it is believed, be furnished as cheap as the best shingles.

The immense banks of iron ore which are yet unopened along the river, on account of the limited demand, would, if iron could be transported more cheaply, and the price of fuel was considerably reduced, be another resource added to the wealth of the states, and afford considerable tonnage to the canal. The lime which is now furnished in our seaports, and which principally supplies the demand for this most useful article in architecture and agriculture, is brought from Rhode Island. This would afford a new source of industry and profit to our citizens now engrossed by our more active neighbors.

Such will be the creation of new sources of wealth and population, and such are some of the prominent benefits to be de-

rived from this canal. Within the last 60 years, England has quadrupled her wealth and political importance, and this rise in her fortunes, dates with the operation of her canals commenced within that period. Holland, the Netherlands, the valley of Lombardy and China, are yet more striking instances of the immense increase of the power and population of territories, in consequence chiefly of canals. When we look at the advantages of the now completed canal, its immediate operation on the value of the lands of the south Branch and Shanondoah, and the whole valley of Potomac, cannot fail to strike the intelligent observer. The mountainous counties of Hampshire and Allegheny, will, in consequence of the value and abundance of their minerals become the most important counties in either state, and the points on which the lever will rest, that is to advance and extend the manufactures, commerce and agriculture of the most distant ramifications of the Chesapeake, Cumberland will become the entrepot of the merchandise of the west, and at no distant date a thoroughfare for the greatest commerce of the Union. Baltimore being already established and possessing enterprise and capital, will have it in her power for many years, if not forever to enjoy the larger share of these new created fountains of wealth; nothing will be wanting to ensure this, but to add a short link to this great internal trade by a canal from Bladensburg, or the head of the Eastern Branch of the Potomac, to the Patapsco at Elkridge. The distance between these two points, in a straight line, cannot exceed 18 miles, and the route of a canal would not probably be more than 25 miles. The elevation on this route above the tide is not great, and the upper part of the Patapsco, and other important streams might, there is reason to believe, furnish the supply of water required for the light level. If this is the case, and there is little doubt of it, the cost of this work would not be great. Or if it should accord more with the wishes and interest of the Baltimoreans, to branch the canal at a higher point on the Potomac, let provision be made for trying the practicability of a branch from the foot of the Catocten mountain, or any point below it to Baltimore.

• *Probable profits of this Canal.*

Taking the average tonnage of the boats, which have passed through the locks, in the years 1819, 1820 and 1821, from the official document furnished by the Potomac Company, it is 11,815 tons each year. Supposing ten barrels of flour equal to a ton, and computing the whole produce in flour, the amount which has descended the river each year, is a quantity of produce equal to 118,000 barrels flour. If such is the quantity transported on the river, in its present imperfect state of navigation, it is not extravagant to suppose that four barrels of flour are now carried by land, for one which is transported by water, and which, when the canal is completed, will seek that

cheaper conveyance. This would make an additional amount of four hundred and seventy-two thousand barrels. The inhabitants of the counties of Hardy, Pendleton, and a large part of Hampshire, in Virginia, and a considerable portion of Allegheny, in Maryland, and of Bedford, in Pennsylvania, are exclusively devoted to grazing. If the facilities of transportation were afforded them by a canal, they would either slaughter their cattle at home, and send down the beef and pork, or would turn their attention to the more profitable pursuits of agriculture. From these counties we may then fairly calculate upon the addition of two hundred thousand barrels. The establishment of a canal, will no doubt, draw commerce from the counties of Franklin, in Pennsylvania, and Shenandoah, Rockingham, and large parts of Augusta, in Virginia, for which we may confidently add two hundred and fifty thousand barrels. From respectable authority we learn, that in the year 1821 400,000 barrels of flour were made in the four south-western counties of Pennsylvania, all of which would seek a market by way of the National Road and contemplated canal; add to this 1,60,000 barrels from the state of Ohio, and the counties of Ohio, Brooke, Preston, Harrison, &c. in Virginia, and the aggregate amount is 1,600,000 barrels. The toll as now established on the Potomac is 22 cents per barrel for the longer distance, and 11 cents for the shortest. The medium may then be stated at 15 cents; the tolls then, upon 1,600,000, would amount to the sum of 240,000 dollars; the estimate cost of the canal is 1,578,954 dollars; upon which the sum of \$240,000, gives 15 per cent. per annum profit, and an excess sufficient for annual expenses.

In this calculation, the tolls on the ascending commerce, consisting of plaster of Paris, salt, fish in barrels, and foreign merchandise, required for the interior, is not enumerated. They, it is supposed, will amount to a third of the sum of the descending toll. Nor is any allowance made for the tolls on the new articles which will be added to the descending trade, viz: coal, lime, lumber, Indian corn, &c. So that if any doubt can exist concerning the increase of tolls, in the proportion above stated, this additional source of tonnage will ensure the profit of 15 per cent. per annum; but there is yet stronger assurance of gaining at least this amount of profit, when it is considered how much this rate of toll assured may be increased and still leave the freight considerably cheaper than it now is, as is so clearly apparent from Mr. Fulton's statement already cited.

#### *Ways and Means.*

From Cumberland to tide water is 185 miles; the cost of a canal for 182 miles of that distance, is ascertained to be \$1,578,954 for the remaining three miles, the canal at the *Little Falls*, when enlarged may be used. This sum divided between the two states will give \$789,477, to be furnished by

each; it is proposed that the money should be raised by a loan for 16 or 20 years, which could probably be effected at 4 per cent. per annum; but for the greater certainty let it be calculated at 6 per cent. as soon as the loan shall be determined upon; let books be opened under the direction of the states for the subscription of stock by individuals, at such places as the Legislatures shall deem expedient, each individual to be entitled to the stock he subscribes for, upon condition of his paying annually to the state, the interest on the amount, until the annual profits of the canal shall be adequate to an extinguishment of a part of the loan, and a discharge of the annual interest,\* of whatever portion of the stock that shall not be subscribed for by individuals, the states themselves shall be considered as holders, the probable nett profits of the canal when completed, upon a moderate and sober calculation have already been estimated at 15 per cent. upon the whole capital required to construct it. Whenever the canal shall be finished let these profits be exclusively appropriated to the payment of the interest and redemption of the loan, and even should these profits yield only ten, instead of 15 per cent. they would be amply sufficient to liquidate the whole debt in less than 16 years. so that in order to accomplish this important object, each state would only have to pay for five years, within which time it is supposed the canal might be finished. The interest on 789,000 dollars, or on so much thereof, as shall remain after deducting the amount of individual subscription; but should it be deemed by the Legislatures inexpedient to raise so large a sum by loan, it is submitted to their wisdom in order to test the accuracy of the above scheme, whether it would not be an object of great public utility to make those sections of the canal between Harper's Ferry and tide water, and whether it would be a measure forbidden by the suggestions of the strictest prudence to borrow a sum sufficient for their completion, the amount required would be 560,127 dollars, but take this sum and divide it between the states, let the foregoing plan be adopted, and then the payment of the interest for two years within which period the canal could certainly be effected on 280,063 dollars, or so much of that sum as should not be taken by individual subscription; would be the only burthen to the states, or in fact only half the interest for the first year as it would be only necessary to borrow money according to the annual expenditure.

It is probable that local jealousies which are so natural to

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\*So that a subscriber, say for one hundred dollars, would in the event of the completion of the canal within 5 years, as calculated, and of its yielding a per centum sufficient to discharge the interest and principal on 1,500,000 dollars, in 16 years, have to advance in all only 30 dollars, and then would be entitled to hold 100 dollars in stock; and in any event the subscriber could never be called on for more than six dollars per annum.

the mass of mankind, and which have since the first dawn of civilization, been found in array, and opposition to all the internal improvements of nations, and to canals the greatest of all others, will on this occasion, have to be combatted; these arise from the supposed effect canals have to injure existing markets, by increasing rivals, and of lessening the value of the productions of those portions of territory already enjoying the exclusive benefit of those markets. These jealousies however, have in every country where canals have been introduced, been proved by experience to be ill founded, for so great is the dependence of each part, on the condition of the rest, and so intimate is the general connection in a nation, that even the favored few so far being injured, have been benefitted by the general prosperity; population, commerce and consumption have invariably kept pace with increase of productions; and the uniform consequence has been a general increase of power, wealth and civilization.

MOSES T. HUNTER,  
WM. T. T. MASON,  
WM. NAYLOR,  
ATHANS. FENWICK,  
ELIE WILLIAMS.

GEORGE TOWN, D. C. July 5, 1822.

SIR: As joint commissioners appointed by the states of Maryland and Virginia, to report the situation and condition of the affairs of the Potomac Company, the amount and character of the debts due by the said company, and its receipts and expenditures, we respectfully request your attention to the subjoined subjects of enquiry, and ask that you will do us the favor to answer them, so far as your archives may enable you, and as speedily as your convenience will permit.

We remain most respectfully, yours,

ELIE WILLIAMS,  
ATHA. FENWICK,  
WM. NAYLOR,  
WM. T. T. MASON,  
MOSES T. HUNTER,

General JOHN MASON,  
President Potomac Company.

1st. The number of shares of the capital or dividing stock, and the amount.

2d. The number of shares held by the states of Maryland and Virginia, and by individuals respectively.

3d. The whole sum expended on the works from the commencement of the operations of the company up to the 1st January, 1822, stating as far as practicable the amount expended on the original construction of the works, and the amount expended in repairs.

4th. The amount of the debts due from the company on the 1st of January, 1822, shewing to whom due, when contracted, and including principal and interest.

5th. The amount of tolls received in each year, from the 1st of August, 1799, up to 1st August, 1821, together with the number of boats and tonnage employed, and the produce and merchandise, transported during that period, with an estimate of the value of the same.

6th. The mode of expending the annual tolls, giving as particular an account as is practicable.

OFFICE OF THE POTOMAC COMPANY,

*George Town, December 20, 1822.*

GENTLEMEN: By instruction from the board of directors of the Potomac Company, I have the honor to make the following communication:

The letter you were pleased to address to me on the 5th of July last, requesting information relative to the affairs of the Potomac Company, was received soon after its date, and the requisite statements have been for some time prepared, but it was thought best to retain them until you should hold another meeting in this town, for the facility of giving explanations, should it be found necessary; they are transmitted herewith, made up to the 1st of August last. This period has been taken because as it accorded with the date of the annual return, prepared according to the practice for the general meeting of the company, it presented the means of more certainly fixing the sums, &c. as it is later than that designated by you, it is hoped it will not be objectionable.

The paper A, furnishes answers to 1st, 2d, 3d and 4th queries, put by you in relation to the number, the amount, and the proprietorship of the shares; to the expenditures, and to the debts of the company. As to the 2d query, no separate accounts having been kept for these items, it has been found impossible to distinguish the amount expended in the original construction of the works from the amount expended in the repairs; and further it is proper to remark, that although the whole sum of the expenditures is correctly stated at \$729,387 29 cents, there has been actually laid out of money, other than that produced by the profits of the works, no more than the sum of \$511,349 62 cents; since, as will be seen by the note at the foot of paper B, the sum of \$218,049 60 cents, received for tolls, supplied so much of the expenditure.

The paper B, gives in detail the information required by the 5th query, as to the tolls received, the boats employed, and the produce and merchandise transported; by which it will be perceived, that since the first use of the navigation in 1800, by means of the works of the company, to speak in round numbers, upwards of two hundred and twenty thousand dollars have been received for tolls; a mass of produce and merchandise has been transported on the river, equal in value, to more than nine millions three hundred thousand dollars, (as one article of which

one million one hundred and thirty-five thousand barrels of flour have been water-borne to market,) and that for the last fifteen years, on an average, seven hundred and twenty boats have been annually employed on the river.

The paper C, exhibits the manner in which the tolls of the last year were expended, and is intended as a practical reply to your 6th query, inasmuch as they have in each year been applied to the objects there described in greater or less proportion.

Very respectfully, I have the honor to be,  
Gentlemen, your obedient servant,

J. MASON.

To Elie Williams, Athansius Fenwick, William Naylor, William T. T. Mason, and Moses T. Hunter, Esqs. joint commissioners on the part of the states of Virginia and Maryland, &c. &c. &c.

(A)

*Answers to the 1st, 2d, 3d and 4th queries of the  
Potomac Commissioners.*

	No. Shares.	Amount.
1st capital, or dividing stock at £100 sterling, 700		\$311,111 11
2d. Shares held by the state of Virginia,	420	53,333 33½
Shares held by the state of Maryland,	220	97,777 77½
Shares held by individuals,	360	16,000 00
	700	\$311,111 11
3d. Total amount expended from the commencement in 1784, to 1st of August, including original improvements, repairs, interest paid on borrowed money, expenses of collecting tolls, &c.		\$729,387 29
4th. Debts due by the company to 1st August, 1822, including interest.		
To subscribers to Monocasy loan, contracted,	1803,	3,876 49
Do. Shenandoah loan	1812,	4,698 77
Do. Antictam loan,	1812,	17,026 33
Do. Cumberland loan,	1813,	7,642 12
State of Maryland,	1814,	39,950 00
Banks of the District of Columbia, including interest, whereof \$55,955 17 was contracted between the years 1803 and 1816, and the remainder in 1816, 17, and 18,		101,192 88
Sundry persons,		1,500 00
		\$175,886 59

NOTE.—Although \$311,111 11 as stated above is really the sum of the capital stock or dividing capital the amount of \$336,551 10 was actually paid in, the difference \$25,439 99 was sunk to the profit of the present stockholders by the sale of delinquent shares.

J. MOORE, Jr. Treasurer.

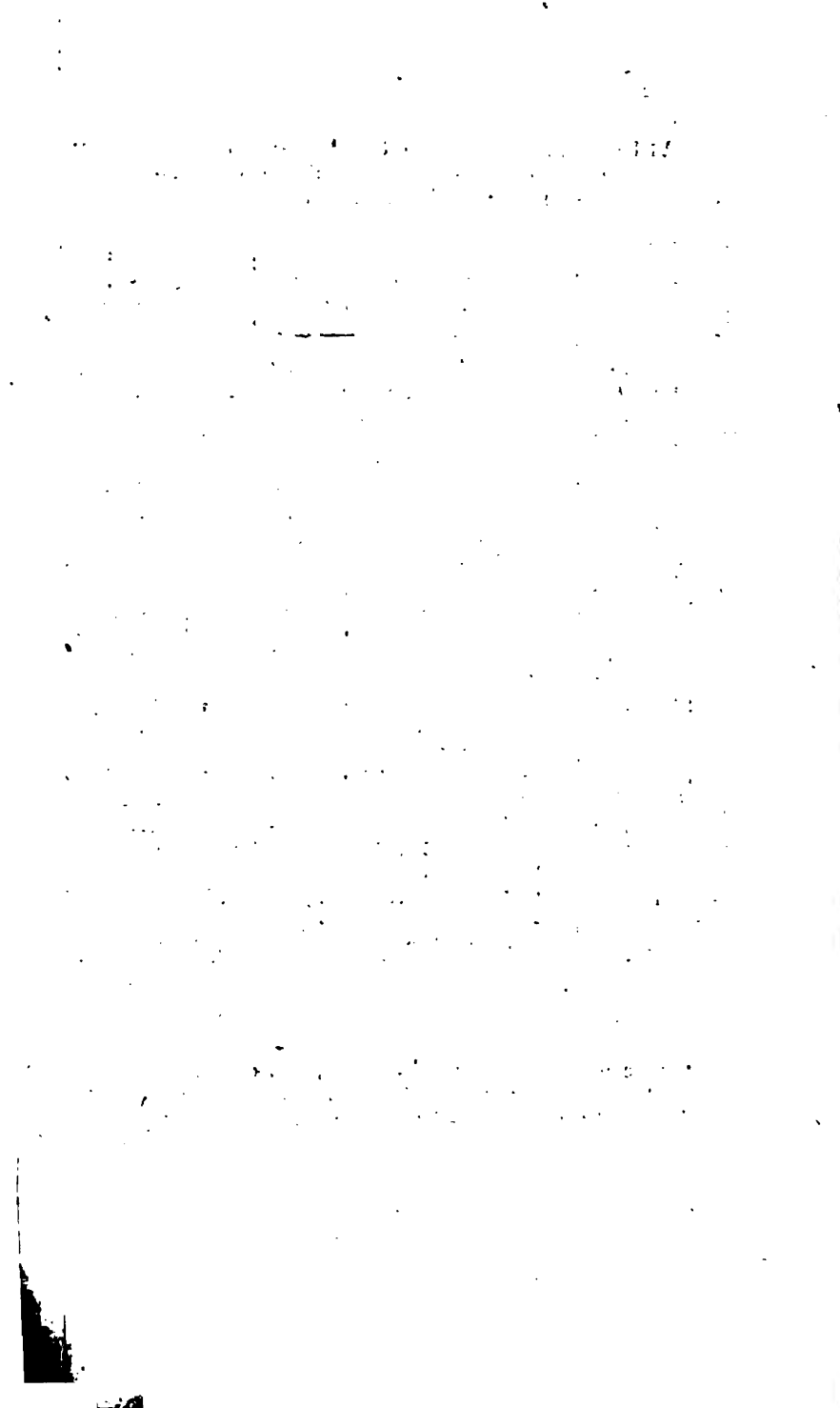
TABLE, shew August,  
1799, to the first and mer-  
chandise transpor

Years.	Boats.	Estimated due.
1800	296	,414 00
1	418	,445 32
2	305	,916 00
3	493	,472 82
4	426	,040 60
5	408	,334 18
6	203	,790 40
7	573	,896 47
8	508	,007 47
9	603	,628 00
10	568	,237 62
11	1,300	,074 80
12	613	,525 75
13	623	,540 32
14	596	,093 72
15	613	,498 15
16	550	,661 00
17	856	,994 00
18	746	,924 00
19	775	,010 62½
20	917	,818 15
21	760	,810 00
22	782	,522 62
	13,924	14,56 76½

any.

\*Of the whole year 1802  
of \$3,890. This from time  
to time as it came





## C

*General statement of disbursements made by the Treasurer of the Potomac Company, from the 1st day of August, 1821, to 1st day of August, 1822.*

Cash paid mechanics and labourers, employed in repairs and improvements,	\$2,989 09½
Materials for repairs and improvements,	711 98½
Hire, provisions and clothing for yearly hands to attend the locks,	346 77
Salaries to Treasurer and two toll gatherers,	1,700 00
Toward principal and interest of debt,	5,276 45½
Contingent,	201 04½
	<hr/>
	\$11,225 35½

J. MOORE, Jr. Treasurer.

## B.

*Abstract of the laws of Maryland and Virginia, relative to the Potomac Company.*

Charter granted by the states, conjointly in 1784, navigation to be improved from tide water, to the highest practicable point on the North Branch, so as in dry seasons to permit the passage of boats drawing twelve inches water; at or near the Great Falls; canal to be made twenty-five feet wide, four feet deep, and locks, if necessary, eighty feet long and sixteen feet wide, to convey vessels and rafts drawing four feet water; the company bound to begin the work within one year after its formation and to complete the improvement of the navigation, from Cumberland to the Great Falls, within three years, and from Great Falls to tide water, within ten years, under the penalty of forfeiture of Charter.

*Maryland Laws.*

1785. Chapter 3d, canal at Great Falls, depth reduced from four to two feet; spaces between the locks, if any, to be four feet.

1786. Chapter 2d, time of completing navigation from Great Falls to Cumberland, extended to the 17th November, 1790.

1790. Time further extended for improving navigation from Great Falls to Cumberland, until 1st January, 1795, and liberty given to apply capital and tolls in improving branches of Potomac above Seneca Falls.

1794. Chapter 29, extends time of completing navigation to 1st of January, 1798.

1796. Chapter 19, authorises the contracting of the lock from sixteen to fourteen feet in breadth.

1797. Chapter 93, authorises the receipts of tolls as if the locks at the Great Falls were complete, on condition that the company, free of costs, carry all produce that may be brought to the inclined plane, which is stated to be constructed from the lower end of the canal to the surface of the river below the Great

Falls, down and up the said plane at their own risk; this law further provides for the extension of the time for the completion of the navigation, until 1st of July, 1803

1802. Chapter 84, declares the object contemplated in the establishment of the company, to be completed, confirms the right to tolls, and authorises the construction of the locks from fourteen feet to twelve feet in breadth.

1809. Chapter 193, further time of ten years given, for completing the navigation of Potomac, to be computed from the expiration of the term already granted, viz: 1st January, 1803.

### *Virginia Laws.*

1785. Chapter 4, § 2, Company permitted to reduce the depth in canals, at the Great and Little Falls, from four to two feet of water, at the least in dry seasons; and if the locks have spaces between them such spaces to be four feet deep.

Time until the 17th of November, 1790, for completing navigation between Great Falls and Cumberland.

1790. Farther time given of three years from the 16th December, 1790, and the company authorised to apply capital and tolls, to the improvement of the branches above Seneca.

November 21st, 1791. Right to improve the branches, above Seneca, forfeited unless the company proceeded within 12 months from that date.

November 23d, 1793. Time given for completing the navigation, from the Great Falls up, until 1st January, 1795.

December 12th, 1794. Time given for a similar purpose, until 1st of January, 1797.

December 26th, 1795. Authorises contraction of the locks, at the Great Falls, to 12 feet.

December 1st, 1796. Gives further time of four years to be computed from the expiration of the time already given; locks may be contracted to a space not less than 14 feet.

January 24th, 1798. Recites that considerable improvements have been made, and authorises the receipt of tolls, before the completion of the navigation to tide water, and the further time of two years is given, to be computed from the expiration of the period already given.

January 24th, 1806. Further time of five years given for the like purpose.

January 27th, 1803. Recites that the locks at the Great Falls, are only 12 feet wide, instead of 14, but declares them sufficient. This act also explains the phrase "dry seasons," as used in the 17th section of the law for extending the navigation, declaring it to mean "all seasons," so far as relates to the navigation, from Fort Cumberland, to tide water. Commissioners are also appointed by this act, to review the works upon the river, &c. they however, never acted; farther time of three years is also given for the completion of the navigation of the river.

January 24th, 1806. Further time of five years given for the like purpose.

The above laws are to be found in the 2d vol. Revd. Code, old edition, appendix No. 2, p. 12--22.

January 14th, 1811. For the time of three years given.

February 18th, 1817. Further time of three years to be computed from 1st January, 1817.

\*There are no other laws in Maryland or Virginia, so far as we have been able to ascertain, relating to the kind of navigation required, and the time within which it was to be completed.

C.

THURSDAY MORNING, *August 8, 1822.*

Moved from the confluence of the North and South Branch of the Potomac; good water a short distance to Old Town Falls, upwards of two hundred yards long; water in best channel; at the upper end seven inches deep, at lower end five inches, very narrow channel and crooked; the water good a small distance, then a shoal fifty yards long, six inches water passing a short distance of good water; enter a long shoal above Taylor's, extending to the mouth of Town creek. Through this shoal the commissioners' boats, (drawing under five inches water,) pursuing the best channel rubbed, and were dragged by men wading nearly the whole way through. At the mouth of Town creek wing-dams and shute in the middle of the river; water six inches deep in the shute. Good water to Malcomb's island, but difficult navigation among scattered rocks appearing above the surface; then commences a shoal in which the boats rub, and pass with difficulty a wing-dam and narrow shute; then better water twelve to fifteen inches to O'Neil's bottom, young Malcomb the tenant; here the boats moored for the night.

FRIDAY MORNING, *August 9th.*

Moored at eight o'clock, good water; passed Malcomb's island and mouth of little Cape Capon, two perches wide; good water continues to Coxe's Falls at Coxe's Island. Along this island are three rapids extending upwards of a mile, through which the boats rubbed the whole way, except about a hundred yards between each rapid where the water was from two to three feet deep, with high rocks appearing on the surface, which rendered the navigation precarious; the lower rapid more gradual than the other two, but longer and shoal the whole way, boats rub and stick on the shoal; then good water, still current from two to four feet deep for one mile to the Devil's Nose, a rapid above colonel Greenwell's house. At this rapid are wing-dams, a narrow and shallow shute and crooked channel, making the navigation difficult; then good water 100 yards to Greenwell's ripples, 100 yards long, where the channel is crooked and shallow; the boats rub most of the way through to Greenwell's; second ripples 100 yards long, boats rub through; then better water to a reef of rocks, nearly crossing the river, leaving a narrow channel where the river is not more than 10 paces wide; then good water; still nar-

row to John Mitchell's bottom, except a reef of rocks where there is a small fall; then good water from five to twenty feet deep, opposite M'Donnald's; on Virginia side; then water good half a mile, to Mitchell's rapids half a mile long, in which are six reefs across the river, narrow, very crooked and difficult channels, the boats rubbing at each reef. The rapids end nearly opposite Boxwell's, the tenant of John Mitchell, where the boats moored for the night.

AUGUST 10th.

Moored from Boxwell's, for 200 yards good water, then encountered small falls or ledges of rocks quite across the river, 300 yards in extent; the water from three to eight inches deep; good water for one quarter of a mile; then for the next mile, occasional ripples, water four inches, along which the boats were dragged between the ripples, water good; came to Sweede's Falls, half a mile in extent, the boats frequently rubbing, and with difficulty passing over them. Good water a short distance, then difficult navigation for near half a mile, from the prodigious number of rocks peering above the surface, the water between them twelve inches. Travelling by land as difficult as the navigation.

AUGUST 12th.

Mooved from N. Abel's ripples; where for some distance above and below, there are large rocks standing two or three feet above the surface of the water, and so numerous that the passage between them is very intricate, by which it was necessary to cross and re-cross from shore to shore, to avoid them, some times hanging upon the ripples, where there was not four inches water. These ripples continued a considerable distance, the boatmen having frequently to get out and lift and drag the boat over them. Immediately above Tumbling Dam falls, there is a shallow bar affording only four inches. As these falls then is among many others, one perpendicular pitch, apparently of 18 inches, and exactly in the boat channel. Besides these natural obstructions, there are here and at many other places, artificial ones, made by building fish dams in the river, in shameful violation of law. Below the bar falls, the boat hung and rubbed for a long distance, in water not more than from three to four inches deep, and before we could pass, the boatmen were under the necessity of going into the water and clearing the channel by throwing out the stones. Good water for one and a half miles, with some short interruption. Afterwards came to another long ripple, where the boat hung for a long time; notwithstanding all the exertions of the men. The water is not more than three inches deep.

TUESDAY, August 13.

Started from Neal's. Commissioners boat, supposed to draw about seven inches water, good water for a short distance, then grounded on a ledge of rock, running across the bed of the river; 200 yards lower down, ledges occur again, and from the bottom, for several hundred yards, on which we occasionally rubbed without stopping, further on, ground on small gravel; boatmen had to jump

out and drag for near 50 yards, water varying in depth, from eight to ten and 12 inches among gravel, pushed on for 50 yards further, water very little deeper; when again we had to drag; water eight inches between and off the stones; had to clear the stone out of the course of the boat; a little lower down, measured the depth of water on both sides of the boat, and found five inches on one side and six on the other; shoal continued for 10 or 15 yards, then moved on among scattered stone almost continually rubbing for some yards, when we grounded again, water nine and a half inches among the stones; course crooked, and boat touched for 100 yards further, then passed a fish dam, firmly cemented with sand and gravel running across the river then good water for a quarter of a mile; then rubbed over a ridge of rock into water, interspersed with large stone, on which we could avoid rubbing frequently, then good water for some hundred yards, when we grounded on a reef, again good water for a short distance; grounded again on a reef; then passed a small rapid rubbing all the way, about 80 yards.

P. M. For 100 yards good water; then frequently rubbed and twice stopped, on large stone which covered the bed of the river. Good water for 2 or 300 yards, river filled with scattered stone, rising 12 or 18 inches above water; then water good a short distance; then our course was interrupted by a fish dam and broken sluice, the boatmen obliged to throw stones out of the way, further down grounded on stone; abounding here in the bed of the river.

Nearly abreast of Mr. Titball's house, a reef crosses the river, and causes a small fall five or six inches, over which we passed without difficulty. A reef with a similar fall, just below the above, obliged the boatmen to shove and lift the boat over; further down passed another reef on which we touched a sluice made through it, misplaced and not used; then reached a gradual fall, on which grounded and passed with difficulty, having to clear a passage, then a few yards of deep water, then rubbed for many yards; again a space of good water; then grounded on large gravel and dragged some distance; then floated a little; then dragged again 20 yards into a few yards passable water; then dragged again into water which continued good for near half a mile; then rubbed again on small gravel; floated a little; then rubbed on large gravel and soon stopped on a rapid about 100 yards above Lantz's house and island; dragged over with difficulty; then good water to Lantz's, where we stopped for the night.

WEDNESDAY MORNING, August 14.

Moved from Lantz's on shoal water, boats rub frequently and with difficulty pass the small openings in ledges of rock across the river. These openings laying in zig zag line, render them very difficult of access; the boats rub hard at most of the passes. These cliffs and shoals extend upwards of a mile around the head of Washington's bottom; then good water half a mile; then ledges of rocks, rising to the surface in three feet water with narrow shoal

passes, rendering the navigation difficult, extending upwards of half a mile; then shoal water from shore to shore, about three quarters of a mile, past Dimmit's island, at one place, boats could not pass until stones were removed to make a small channel. the impediments through this shoal, can only be overcome by swelling the water by dam; then good water three quarters of a mile, to O'Queen's, then shoal water, boats rub, and are dragged a mile; then good water to the Burnt Mill Falls; here is a wing dam, 12 or 15 inches high, turning the water to the Maryland shore, working a small grist mill, owned by Thomas King; fall at the mill three and a half feet. A rapid shoal, extends near 200 yards from the upper end of the wing-dam, and ending nearly opposite the mill; then good water 200 yards to a point opposite to Marshall's house, on the Virginia shore, where the boats moor for the night.

THURSDAY MORNING, *August 15.*

Moved from Marshall's. Good water continues half a mile, to a ripple, below the mouth of Fifteen Mile creek; at this ripple three quarters of the width of the river is bare 150 yards distance, leaving a narrow, crooked and shallow channel, through which the boats rub; then good water about 100 yards; then a ripple 100 yards; through which the boats rub nearly the whole way; then the water deepens to three feet, with scattered rocks near the surface a quarter of a mile; then a ripple, a wing-dam, and shut very shallow; then good water 100 yards; then appear ledges of rocks across the river, six in number, about equal distance from each other, extending 150 yards down the river. Boats rub through the narrow passes in these ledges; then good water by the Man of War rock, opposite Matthew Engle's, then a short reach of good water to Willet's Fall, or long canal, through these falls; the boats were dragged with great difficulty. After passing them, enter on water with ledges of rocks across the river, there and below where shoal water extends across the river a considerable distance, passing Sidling Hill creek, and to Ferree's, no loaded boat drawing eight inches of water, could pass. The boats moored opposite Ferree's for the night.

FRIDAY, *August 16.*

Shoal and difficult water by ledges of rocks and ripples, passed Big Capon and to the upper end of Ridout's bottom; then good water 100 yards; then shoals, ledges of rocks, boats passing through the narrows and crooked openings, one among rocks four feet above water, the only pass, very narrow and close to the Virginia shore; then variable water to John Roby's; then good water to Leopard's mill, worked by the river water, under a fall of three feet and a half; then variable water; the greater part shoal to the mouth of Little Branch below Mr. Summers.'

AUGUST 17.

Moved from nearly opposite Mr. Summers', living on the Maryland side, and five and a half miles above Hancock; good water, a short distance; then passed a reef of rocks with a fall of

near three feet extending quite across the river, and about 50 yards in width, the boat rubbing part of the way, and dragged about 10 yards by the men, the water from five to ten inches; then for a half mile, of water from 20 inches to three feet; then 150 yards of ripple, the water upwards of 12 inches, but large stones arising above the surface, so numerous as to render it very difficult for the boat to pass along; then a half or three quarters of a mile of good water; then a ripple a quarter of a mile in length, above Round Hill, water from six to twelve inches, good water a short distance; then another ripple through a canal, below Round Hill, water about seven inches, except through the shute of the canal, where the boat grounded; then good water to Hancock, with the exception of two ripples, about a mile above the mouth of Little Tonoloway, the one 50, the other 30 yards long, the water from six to ten inches deep, the boat rubbed part of the way, and twice grounded. Moored at the mouth of Little Tonoloway.

August 18th.

Sunday, 19th, 20th, and 21st, lay at the mouth of Little Tonoloway, whilst the levelers went back to Cape Capon, to survey the route from thence to Hancock, on the Virginia shore,

August 22d.

Set off with the boats from the mouth of Tonoloway. A few perches of good water at first; then three ledges of slate rock, cross the river, two opposite Hancock and one just below, on all which we rubbed between them; a few perches good water; then good water to the lower end of Donovan Island; where another ridge crosses, at which there is a fish dam and fall of nine or ten inches and difficult crossing, good water opposite the mouth of Warm Spring Run, (Bath) a little good water; then a shoal and reef of slate and gravel, grounded; then good water, touched another reef; passable water 50 yards; then large stone, so close as to prevent passing without rubbing; then grounded in nine inches water, on a shoal and fish dam, eight inches water, stone so close as to allow an uninterrupted passage: some passable water to the upper end of Yate's island; then grounding, rubbing and touching abreast of the island. Big Tonoloway enters just above this island, for half a mile bad water, five or six inches only; bad water and two more ledges of slate, with five inches water on them, above the widow Rowe's or Bevens' island, tolerable water abreast of island for 300 yards.

August 23.

Moved from opposite Dr. Jacques' house, where the canal crosses from Virginia to Maryland. Good water for 150 yards, then shoal begins opposite Jacques' Island; water from five to eight inches, boats rubbed for eighty yards, and then grounded, and hands had to open a channel by removing the gravel and stones; not three inches water; boats lifted over with hand spikes; after this, water deepens to about ten inches or a foot, filled with large



loose stones, which impede the navigation and caused the boats twice to get fast. Good water begins below fish dam, opposite lower end of Jacques' Island, and continues to about 100 yards below upper point of Miller's Island, about half a mile, where begins a shoal at a fish dam, where hands had to make a channel by removing stones, &c. for 20 yards water, at four to six inches; then increases to nine, but interrupted by stones and rocks for about 50 yards; then shoal from ten to four inches—for distance to Licking, say  $1\frac{1}{2}$  miles; men out again, and making channel between upper and lower point of Miller's Island, and repeatedly aground on ledges between this Island and Licking. Moored at mouth of Licking.

AUGUST 24.

Moved from mouth of Licking; good water for 100 yards, to a fish dam then rapid and full of big rocks; boats fast; from 6 to 8 inches; water then good for 150 yards to another dam below, which is a rapid of short continuance, then water sufficiently deep, but bed very rocky, for 80 yards, boat rubbing on the rocks. Here a line of large rocks reaches nearly across the river; boats fast among them. Deep water, and from this for 50 yards, then shoal, and boats fast upon a bed of large stone; then rocky bottom, but good water for 80 yards to a fish dam; boat occasionally touching on the large stones, several ledges here cross the river, upon one of which boat got fast, below this deep water, with slate ledges, upon which boat repeatedly got fast. This kind of water and bed continues for  $1\frac{1}{2}$  miles. In this distance a bed of moss across the river extends for half mile; good water through it but full of rocks. This water extends to Elm Spring on the Maryland side; a shoal then begins, and continues for upwards of half a mile; boats fast, and lifted over with great labor, men obliged to open channel by removing stone, &c. this shoal extends to Cherry Run on Virginia side, with the exception of about 50 yards just above fish dam, which is a rapid for a few yards, and then good water for one mile and an half to Johnson's Falls, nearly opposite Back creek on Virginia side, where we moored for the night.

SUNDAY 25.

The boats lay too, and the party rested.

MONDAY MORNING, AUGUST 26.

Moved from Johnson's Falls. Shoal water to Garrison's Falls one and an half miles; here are high ledges of rocks extending across the river, and only one narrow pass for boats; then good water, the Fiddle-Strings, so called from four ledges of rocks, near each other, appearing above water extending across the river, the boats passed the ripple, with great difficulty, there being no passage affording sufficient water; the boats were lifted and dragged over, by doubling the crews, and were more than an hour in moving less than a hundred yards; then good water to Claycob's ripples, then shoal from shore to shore, to Pott's Spring; boats rub-

bing; then good water to Prather's saw-mill, made by his mill-dam, then shoal one fourth mile; whole distance from the Fiddle Strings, four and a quarter miles to Prather's, where boats moor for the night.

FRIDAY MORNING, *August 27.*

Moved from Prather's on good water, passing Charles's mill, at the mouth of the Big Spring-run, half a mile; good water continues to Barkman's fish dam, raised in a shoal part of the river extending a quarter of a mile. Here the boats passed with great difficulty, being dragged and forced over the shoals by doubling the crews in several places, and by making little channels, by moving the stones in the way. The water is then better for a small distance, say a quarter of a mile, which reaches another shoal, called Trial fish-dam, a very appropriate name, as it sufficiently tried the strength and skill of the men, in lifting and dragging, the boats rubbing the whole distance of two hundred yards and upwards; the water then became deeper for a short distance; then very shoal to Middlecalfs' Island and some distance along it; the water then good to the mouth of Little Conococheague at Middlecalfs; then becomes shoal, passing two Islands known by the name of Buzzard Islands, and then on passing Hawk's Island, the whole of the distance, the water very shoal; the boats were got over with great difficulty and by doubling crews, one mile and a half, the water then becomes deeper, the boats after passing a quarter of a mile put in for the night.

AUGUST 28.

Left the upper end of a high ridge of rocks on the Virginia shore, about five and an half miles above Williamsport. For two miles the water eight or ten feet, the boatmen using their oars the whole distance; the next mile the water varying from four feet to eighteen inches; then a mile of about one foot water; moored for the night about one and an half miles; above Williamsport.

AUGUST 29.

Left the station one and an half miles above Williamsport; the river being wider than at any place above; the boats rubbed on the gravel a great part of the way to Williamsport, when we were detained four hours by the hands going on shore. From Williamsport to the place called Falling water, on the Virginia side, the boats often stuck fast, and were only got along by lifting and dragging them by main force.

AUGUST 30

Started from the Falling water—water good; velocity of the current diminishing, general depth increasing, and the navigation less frequently interrupted by reefs and shallows; in

in the space to Hadley's Rock. about two and an half miles, a fish dam on a gravel bank and two ledges of limestone rising nearer the surface are the only difficulties, but were passed with a rub; the bed of the river for the above space, is uniformly lime-stone rock. Opposite Lefebvre's house, it rises and forms the bank of the river on the Virginia side for 50 yards—at Hadley's the rock displays itself on the shore for more than a quarter of a mile on the Maryland side. A fish-dam and ripple, on which we grounded just below Hadley's; then good water till we passed the mouth of Opecon, when we grounded on Opecon ripple, where there is another fish-dam, and water about nine inches deep; then a little good water; then grounded again on Opecon ripples; moved on a little; then rubbed hard again; then better water. For three quarter's of a mile above Opecon, rocky shore on the Maryland side; just below the rocks approach the shore on the Virginia side and continues for one and a quarter miles. Another fish-dam obstructs the navigation in Opecon ripples, and then three narrow reefs of lime stone rock; below, this last dam cross the river, on which there is not more than six or seven inches water; then deep water to Sprigg's mill, where we stopped for the night. Considerable fall in the water in the space occupied by Opecon ripple. Here Boyd went home for a day—and party rested on Saturday and Sunday.

#### SEPTEMBER 2.

Started from Newcomer's; good water for a mile and a half; cliffs on Maryland side for quarter part of the way—a ledge of lime stone extends nearly across the river, just below Gallo-way's mill but does not interrupt the navigation; water very deep, out of reach of the pole; water good to Millit's spring, except about two hundred yards of shoal water.

#### SEPTEMBER 3.

Left Millit's spring; good water for three quarters of a mile, then pass the fish-dam; then good water for one half a mile; then another fish-dam; good water but intersected by big rocks and ledges, then Hog river ripples continue about a mile; wing-dam made by Potomac Company about midway; then ripples, boat fast on a ledge of rocks in five inches water; good water for a mile; then fast on a bed of rocks at Zuck's fish-dam. Water variable, passing three fish-dams to the head of Ground's ripples, two miles. Boats moored at Spong's landing for the night.

#### SEPTEMBER 4.

Moored from Gronned's ripples, shoal water a short distance, boats rub at one place on a ledge of rocks, the navigation interrupted by ledges of rocks ranging with the current, where is a fall of three or four feet in a quarter mile, narrow passes through those ledges; then good water to Chapline's; then shoal a short distance; then good water to Sheppardstown,

SEPTEMBER 5.

Moved from Sheppardstown, on good water, half a mile; then shoal from shore to shore, ledges of rocks with few passes for boats, very difficult navigation; the channel shoal and winding, boats rub and are dragged in many places through this shoal, which extends a mile and a half; then good water to the Antietam Forge ripples, a narrow ledge of rocks across the river, with but one shallow and narrow pass; the fall in this ledge about a foot, then good water to Coon's where the boats put in for the night.

FRIDAY, *September 6.*

Set off from Coon's, two miles below the Antietam Iron Works, with a fine sheet of deep water one quarter of a mile below. This river bends suddenly to the west, is wide and too deep for polling; at Reynold's mill, river bends to the south; at the bend a rocky island on the Maryland side and rocky shore on the Virginia side, water deep to the end of the island, where a ledge of lime stone crosses the river obliquely; here we enter the Cow Ring sluice, on the Virginia side; this sluice is formed in the most approved manner, by the assistance of nature, and a ledge of rocks so situated as to throw the collected water of the river into the sluice; with this advantage the greatest that can be obtained by wing-dams, you have the increased rapidity of the current to surmount, which is so great as to require a capson, which is placed at the head of the sluice by which a boat is drawn up slowly and with much labor; the force of the current is moreover so great, as to dislodge the stones on the walls, and even large ones, flat and well placed, making frequent repairs necessary; so that sluice navigation under the most favourable circumstances, is a miserable shift; below this sluice, water deep, little current, river bends to the south one and three fourth miles; below the sluice, is an extensive hill on the Virginia side, coloured with oxide of iron, in it a considerable excavation for ore; this bank furnishes ore to the Antietam iron works; ore said to require mixing; below the sluice, water deep, river broad, river bends south west in the bend, cleft of rocks approaches to the shore opposite Keep Trice's old furnace, a large ore bank, on the Maryland side; and the Virginia banks show signs of ore below the furnace. Virginia side, high, rocky shore, the river without obstacle, until you reach the head of the canal (as it is called) on the Maryland side which we found closed by a dam two feet high, made to enable the public works to continue in operation, during the extrem lowness of the water at this season; to surmount this obstacle, by agreement with the superintendent at Harper's Ferry, (Mr. Stubblefield) we passed over to the canal race, of the public works, and had our boats drawn out on a carriage into the river near the ferry, crossing without any interruption of our work. At the head of the long canal (so cal-

led) a rapid commences, and the bed of the river is uniformly covered with fixed rock and huge stones projecting three and four feet above the present level of the river presenting an aspect terrific to the beholder, and dangerous to the navigator. This appearance and state of the river continues to the ferry, a distance on the Maryland side, of about two miles, the fall in that space, ascertained to be 27 feet.

To improve the navigation through this rapid, the Potomac company have constructed at great expense, partial channels on the Maryland side, three in number; the first with a tolerable level bottom, clear course, 18 or 20 feet wide; and the two others with very unequal bottoms, and irregular courses, affording an imperfect and dangerous navigation in high water, but now, two feet above the level of the water; along the whole course of these rough passage-ways, a broad wall at the foot of the rocky mountain, which here binds the river, used for a tow path, along which boats are dragged up. The boat stopped this night at the head of the long canal, and next morning, the boats were hauled over into the river.

#### SEPTEMBER 7.

Started from Harper's Ferry, and ran through the spout which is extremely rapid and rocky, for a distance of three hundred yards or more among dangerous rocks, making a very crooked passage, and must be a most hazardous navigation at any time and cannot be improved but at an expense, which would make a good independent canal for the same distance. For the last three miles, and apparently for some miles a head, it would astonish the beholder at low water, to be told, that the river could be navigated at any time so numerous, so large and so prominent are the rocks, covering the whole bed of the river; the imperfect channel, called a canal, made by the Potomac company being at this time entirely dry, in the run, (this day) but especially through that part of the river called the spout, our boats struck very hard against many of the rocks, and had not our boats been very light, they must have been wrecked. The boats put in opposite Mr. Weaver's meadow for the night.

#### SEPTEMBER 8.

Being Sunday, boats lay too, till September 9; then moved, passed the mouth of Pleasant Valley, at Weaver's mill, on rough and shoal water, amidst rocks from three to six feet high, from shore to shore; the passes between the rocks very narrow and irregular, making it necessary to traverse the river from side to side, to gain the passes. This rugged bed in the river, continues above a mile, with considerable fall at different places, one called the Devil's Elbow, at Pane's Falls opposite Pane's island, between which and the Maryland shore is wall work made by the Potomac Company, as a channel for

boats, but which channel is now dry; below this, enter Dever's mill-dam, formed of brush and stone, obliquely in the river, to throw the water to the Maryland shore. This dam is much complained of by boatmen navigating the river, and was found to prevent our boats passing through the best channel, and turned them at a right angle to the middle of the river, the boat rubbed frequently on the narrow passes between the rocks which continued with less fall in the river to Philpots or Pane's ripple, a mile and a half; here we were clear of the South mountain; a rocky shore on Virginia side, from Harper's Ferry. The water then variable interspersed with rocks, and principally shoal to Berlin, and a mile below it, where the boats put in for the night.

TUESDAY, September 10th.

Mr. Naylor, jr. employed to take meanders of the river, brought on that work from Cumberland to a stake in Casper W. Weaver's meadow, which he reached on the evening of Saturday, the 7th instant, and declining from indisposition to progress any further with that work, it became necessary to employ another surveyor in his place. Corbin West, engaged in that service this morning, and the boats proceeded on; water varying in depth, mostly shoal, through scattered rocks and over ripples, often rubbing, and with difficulty getting through the narrow passes, on ledges of rocks: in fine it may be truly said, that from the head of the long canal above Harper's Ferry, to Sonder's ripple and Luckett's ferry, above 12 miles, no navigation is afforded for boats of any burthen in low water, nor can it be deemed either good or safe in the best state of the water, from the great number of rocks which crowd the river a great part of the way, and are seen from three to ten feet above the surface of low water. From Luckett's ferry to the head of Hook's falls, good water half a mile; then shoal and rocky; through these falls where the river passes, the break in the Kotocton mountain, one and a half miles, are more rocks and difficult navigation; then good water, passing Jenkins' island to a fish dam; then shoal water, boats rub, and pass two other fish dams, in very shoal water, to the Kanaway spring opposite Kemp's island, where the boats put to for the night.

SEPTEMBER 11th.

Remained at Kanaway spring, opposite Kemp's island, until after dinner, waiting for the engineer to come down with his work; started about two o'clock, and reached Noland's ferry, a distance of about three and a half miles, where we moored for the night. The first two and a half miles good water, from two to four feet, the last mile shoaly, the water from 10 to 16 inches, along which we were enabled to keep our boats afloat only by frequent windings.

SEPTEMBER 12th.

Started from Noland's ferry, water good for half a mile; then shoal, being about 10 inches. This water continues for about 150 yards, to an old fish dam, just below which boat got fast. This shoal continues for at least half a mile, boat occasionally rubbing; and once more fast. Then good water to Monocacy, at the mouth of which one of the boats got fast; hence, good water to Holm's ferry, thence to Douglass'; red rock generally good water, the boat having scraped once or twice; water very shoal and boat fast, at the head of Chapham's island; shoal water during the whole length of this is and.

D.

The amount of toll on a ton of merchandise being stated at one cent per mile, and the freight also at one cent per mile, and eight men, eight wagons and forty horses, being the number required to transport the burthen of one boat, drawn by one horse and managed by a man and a boy, viz: 25 tons. Assume then, equal rates of expense, as the basis of calculation. Say for example, they each proceed one hundred miles; the wagons by land and the boat by canal, and each travel 20 miles a day, carrying 25 tons of goods; the expenses of one wagon per day, say is, for one man, one dollar; for five horses, five dollars; that is

The expenses then of eight wagons, eight men and 40 horses, is per day	\$ 6 00
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The boat at the same rates is for one man, \$1, one boy, 50 cents; and a horse, \$1 each day,	2 50
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It requires 5 days at the rate of travelling assumed to perform the trip of 100 miles; five times the daily expenses of the wagons, is	240 00
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Five times the daily expense of the boat is	12 50
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The difference in the cost of freight of 25 tons, by land or water, free from toll, is	\$227 50
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Next add the interest on the out fit for land carriage, and the same for the boat, &c. A wagon costs when new, say \$100, then eight wagons cost \$800, and 40 horses each \$100, amount together to	4,800 00
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The gear of five horses when new, say, cost \$50 and of 40 horses, therefore is	400 00
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\$5,200 00

A boat 70 feet long, 10 feet wide, say, will cost \$150, and the horse and gear \$110, that is for canal outfit,	260 00
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Difference	\$4,940 00
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The annual interest on 4,940 dollars at 6 per cent. is \$296 40.

A wagon, it is supposed, cannot last in service on the road more than eight years; without repairs; then the rate of the wear of a wagon may be stated per annum, at one-eighth of the cost

For repairs of each wagon per annum, - \$12 50

Horses in constant use in heavy draft, it is supposed, cannot be fit for service more than five years on an average, then one-fifth of the cost, is the allowance for loss of horses; this for five horses is equal to

100 00

A horse in service will require a new set of shoes every two months; this for five horses makes the wear of shoes,

3 000

The gear of five horses is worth new, \$50, and will last on an average, say five years, then we may add for this item of wear per annum, for each, ten dollars.

At these rates calculate the difference.

The interest on the outfit of 8 wagons and 40 horses, after deducting the cost of boat and horse,

\$296 40

Wear of eight wagons each \$12 50, is

100 00

Wear of 40 horses as above,

300 00

Shoes for 40 horses as above,

240 00

Wear of gear as above,

80 00

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1,516 40

The cost of the boat and horse, having been deducted from the sum on which interest is taken, no interest is therefore charged here; a boat will surely last longer than a wagon in service, but we will state it at the same, that is, eight years; then take one-eighth of 150, the first cost for the wear of a boat per annum,

\$18 75

Wear of one horse, - 20 00

Shoes for one horse as above, - 6 00

Wear of gear as above, - 2 00

48 75

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Difference in wear and interest one year,

1,469 65

To understand this difference more exactly, let the expenses per day, for five days as above, on each kind of transportation be added to a proportion of the sum of the annual wear and interest, equal to five days.

Expenses of eight wagons, &c. per day, -

240 60

1,516 dollars and 40 cents, divided by 76, gives the wear, interest, &c. for five days, viz:

20 77

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Entire expense of wagons per day, -

260 77



Same expenses for same time of the boat, &c. is \$12 50  
 \$46 75 dollars divided by 75, is 64

Entire expense of boat, &c. per day, \$13 14

The sums total of the expense of each mode, divided by each other, viz: \$260 77 by \$13 14, shews that the expenses of land carriage may be stated in round numbers, at 0 t ms the cost of transportation by water; besides changing the employments of the supernumerary carriers, in extensive districts of country, from the unproductive to the productive classes of citizens.

To the commissioners appointed by the states of Virginia and Maryland, to investigate the affairs of the Potomac Company, and to suggest such measures as may produce the benefits which would result from practical improvements of the navigation of the Potomac river Isaac Briggs in pursuance of authority conferred on him by the board of public works of Virginia, and of the approbation of the said commissioners, as successor to the late engineer, respectfully offers the following

#### REPORT:

##### GENTLEMEN:

From the notes of Thos Moore, the late engineer, (notes which he left in pencil writing,) I have carefully and in detail, calculated and arranged all the estimates of expense necessary for constructing along the valley of Potomac river, an independent canal, in which the water is intended to be 30 feet wide on the surface, 20 feet wide at bottom, and three feet deep. The notes of the late engineer, commenced at Cumberland and extended to a few perches more than 23 miles below Harper's Ferry, 150 miles. In order to arrive at the greatest possible accuracy in making the estimates of cost, the time has been taken in minute portions, and each calculated separately; as the site has varied according to the difficulty or facility, and of course the greater or less expense necessary, for constructing a good canal. For the various kinds of works, prices have been assumed, which have well sustained the test of experience, extensively in the state of New York, and in some measure in the state of Virginia. I, therefore, confidently believe, that if the execution of the work be faithfully and prudently managed, its cost will not exceed the estimate. It has been deemed expedient to divide into sections, the proposed canal, for the purpose of facilitating its execution. The first section extends from its commencement at Cumberland, in Maryland, to the mouth of Capon, in Virginia, fifty-four and a half miles; the second section, from the mouth of Capon, to the mouth of Great Conococheague, or Williamsport, in Maryland, thirty-three and a half miles; the third section wholly on the Maryland side of the river, from the mouth of Great Conococheague, to Harper's Ferry, opposite to the mouth of Shenandoah river, thirty-eight and three

quarter miles; the fourth section, still on the Maryland side, from Harpers Ferry, to the head of the Great Falls, forty-six and a quarter miles; and the fifth section, still on the Maryland side, from the head of the Great Falls to tide water, in the District of Columbia, twelve miles; amounting altogether to 105 miles of canal navigation, from Cumberland to tide water.

### *Recapitulation.*

The first section commences at Cumberland, in Maryland, and crossing the river three times, terminates at the mouth of Capon, on its western bank.

The first crossing to the Virginia shore, just above Cres-wap's Landing, sixteen miles from Cumberland, is by a dam of suitable elevation; then descending by locks into the still water above the dam, we pass through a guard lock, into a canal on the opposite shore.

The second crossing to the Maryland shore, is also by means of a dam placed just below the mouth of South Branch, 19 miles from Cumberland, to raise the water in Potomac eight feet. In every case where a dam is the means of crossing the river, a guard lock is indispensable, at the entrance of the canal on the opposite shore; aqueducts, however, as the mode of crossing rivers, with a canal, are on account of the superior safety and convenience which they afford to navigation, decidedly preferable to dams, although more expensive in construction, yet where we cannot avail ourselves of sufficient feeders from side streams to keep always a full and certain supply of water in our upper levels, dams are adapted, because, by them we obtain from the river an abundant supply. This is precisely the case in the first crossing; and in the second, there is not sufficient elevation for an aqueduct.

The third crossing to the Virginia shore, 29 miles from Cumberland, is by aqueduct, which by maintaining a level sufficiently high to be safe from freshets in the river, will augment the expense of a piece of walling, just about \$3,900.

### *Summary of the estimates of expense.*

For excavating, walling, aqueducts, dams, &c.	
including six culverts noted by the engineer,	\$262,456
The extra expense for a wall mentioned above,	3,900
For lockage 146 feet, (in 16 locks) at \$650 per foot,	\$94,900
For 48 culverts, (in addition to those in the first item,) at \$300 each,	9,600
For 80 farm bridges, at \$300 each,	24,000
For four road bridges, at \$500 each,	2,000
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	392,856
Add for contingencies, engineers, superintendence, &c. ten per cent.	38,286
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Amount of estimates for the upper section, from Cumberland to the mouth of Capon  $54\frac{1}{2}$  miles, (\$7,711 per mile,) which in the same proportion for a canal of the dimensions of those in New York, forty feet wide and four feet deep, would be \$43,983 per mile,

**\$439,962.**

The second section commences with an aqueduct across Capon, and continuing on the Virginia side, 14 miles, crosses Potomac on an aqueduct to the Maryland shore, and terminates at the western bank of the Great Conococheague.

*Summary of estimates of expense.*

For excavation, walling aqueducts, dams, &c.	\$184,418
For lockage 72 feet, (in 10 locks,) at \$55 per foot,	46,800
For 33 culverts, at 200	6,600
For 20 farm bridges, at 300	6,000
For three road bridges, at 500	1,500

**\$245,318**

Add for contingencies, engineers, superintendants, &c. ten per cent.

**24,531**

Amount of estimates for the second section, 33 $\frac{1}{2}$  miles, (\$8,085 per mile, stated in proportion to their dimensions on the canal of New York,) it would be \$14,600 per mile,

**\$269,844**

The third section commences with an aqueduct, across Great Conococheague; and continuing on the Maryland side, terminates at Harpers Ferry.

*Summary of estimates of expense.*

For excavating, walling, aqueducts, dams, &c.	\$228,318
For lockage 80 feet 8 inches, (in 10 locks,) at \$560 per foot,	52,448
For 33 culverts, at 200	6,600
For 30 farm bridges, at 300	9,000
For five road bridges, at 500	2,500

**\$298,855**

Add for contingencies, engineers, superintendants, &c. ten per cent.

**29,885**

Amount of estimates for the third section, 38 $\frac{1}{2}$  miles, \$8,483 per mile; rated on the canals of New York, in proportion to their dimensions,) it would be \$15,888 per mile,

**\$328,740**

The fourth section commences at Harpers Ferry, and continuing on the Maryland side, terminates at the head of the Great Falls,

*Summary of the estimates of expenses.*

For excavation, walling, aqueducts, dams, &c.	\$229,679
For lockage 86 feet, (in 11 locks,) at \$650 per foot,	55,906
For 73 culverts, at 200	14,600
For 27 farm bridges, at 300	11,100
For eight road bridges, at 500	4,000

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\$315,279

Add for contingencies, engineers, superintend- ants, &c. ten per cent.	81,528
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Amount of estimates for the fourth section, 46 $\frac{1}{2}$ miles, \$7,499 per mile; (rated on the canals of New York, in proportion to their dimensions, it would be \$13,598 per mile,) - -	\$346,807
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The fifth section commences at the head of the Great Fall, and continuing on the Maryland side, terminates at the head of tide water navigation, in the District of Columbia.

*Summary of the estimates of expense.*

For excavation, walling, aqueducts, dams, &c.	\$103,527
For lockage 40 feet, (in 5 locks,) at \$100 per foot,	40,000
For lockage 6 $\frac{1}{2}$ feet, (in 9 lock,) at 750	46,100
For 12 culverts, at 200 each	2,400
For five farm bridges, at 300	1,500
For road bridges, (none)	

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193,527

Add for contingencies, engineers, superintend- ants, &c. ten per cent.	19,398
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Amount of estimates for the fifth section, nine miles, (\$23,702 per mile, rated on the canals of New York, in proportion to their dimensions) it would be \$42,973 per mile, - -	\$212,390
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*General Summary.*

For 182 miles of canal, comprising, besides excavation, walling, aqueducts and dams, 487 feet of lockage, 205 culverts, 122 farm bridges, and 20 road bridges.

For the 1st section, 54 $\frac{1}{2}$ miles, \$7,714 per mile,	\$420,269
2d do. 33 $\frac{1}{2}$ do. 8,055 do.	269,844
3d do. 38 $\frac{1}{2}$ do. 8,482 do.	328,721
4th do. 46 $\frac{1}{2}$ do. 7,499 do.	346,807
5th do. 9 do. 23,702 do.	212,390

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182 miles, \$3,676 per mile, \$1,578,994

This average rate on the whole canal, \$8,676 per mile—would, if applied in exact proportion to a canal of the same dimensions as those in the state of New York, be \$15,732 per mile, and this accords with the actual costs of such parts of the New York canals, as resemble ours, in amount of lockage, and in laborious excavation.

All which is respectfully submitted.

ISAAC BRIGG.

Georgetown, 12th-mo: 10th, 1822.

*Report of the Commissioners of Virginia and Maryland.*

CITY OF RICHMOND, January 23, 1788.

At a meeting at the city of Annapolis on the 22d day of December, 1784, of the commissioners appointed by the Commonwealth of Virginia, to confer with persons authorised on the part of the state of Maryland, upon the subject of opening and improving the navigation of the river Potomac; and concerting a plan for opening a proper road between the waters of Potomac, and the most convenient western waters; and a committee appointed by the Senate and House of Delegates of Maryland, to meet the commissioners of Virginia, for the purpose aforesaid—were present,

General Washington and General Gates, from Virginia,

The honorable Thomas Stone, Samuel Hughes and Charles Carroll, of Carrollton, Esquires, of the Senate,

And John Cadwallader, Samuel Chase, John Debutts, George Digges, Philip Key, Gustavus Scott and Joseph Dashiell, Esquires, of the House of Delegates;

General Washington in the chair.

Randolph B. Lattimer appointed clerk.

The conference proceeded to take the subject matters to them referred into their consideration, and thereupon came to the following resolutions:

That it is the opinion of this conference, that the removing the obstructions in the river Potomac, and the making the same capable of navigation from tide water, as far up the North Branch of the said river as may be convenient and practicable, will increase the Commonwealth of Virginia and state of Maryland, and greatly promote the political interests of the United States, by forming a free and easy communication and connection with the people settled on the western waters, already very considerable in their numbers, and rapidly increasing from the mildness of the climate and the fertility of the soil.

That it is the opinion of the conference, that the proposal to establish a company for opening the river Potomac, merits the approbation of, and deserves to be patronized by Virginia and Maryland; and that a similar law ought to be passed by the Legislature of the two governments, to promote and encourage so laudable an undertaking.

That it is the opinion of this conference, that it would be proper for Virginia and Maryland, each to become subscribers to the amount of fifty shares, and that such subscription would evince to the public, the opinion of the Legislature, of the practicability and great utility of the plan, and that the example would encourage individuals to embark in the measure, give vigor and security to so important an undertaking; and be a substantial proof to our brethren of the western territory, of our disposition to connect ourselves with them by the strongest bonds of friendship and mutual interest.

That it is the opinion of this conference, that an act of Assembly of Virginia "for opening and extending the navigation of the river Potomac from Fort Cumberland to tide water," ought to be repealed.

That it is the opinion of this conference, from the best information they have obtained, that a road to begin about the mouth of Stony river, may be carried in about twenty or twenty-two miles to the Dunker Bottom, on Cheat river; from whence this conference are of opinion, that bateau navigation may be made, though perhaps at considerable expense. That if such navigation cannot be effected by continuing the road about twenty miles further, it would intersect the Monongahela where the navigation is good and has been long practised.

That a road from Fort Cumberland to Turkey Foot, would be about 33 miles, from whence an improvement of the Yohogania river would be necessary, though probably it might be done at less expense, than the navigation of the Cheat river, could be rendered convenient from the Dunker Bottom.

That it is a general opinion that the navigation on Potomac may be extended to the most convenient point below, or even above the mouth of Stony river, from whence to set off a road to Cheat River; and this conference is satisfied that that road, from the nature of the country through which it may pass, wholly through Virginia and Maryland, will be much, better than a road can be made at any reasonable expense from Fort Cumberland to the Yohogania, which must be carried partly through Pennsylvania.

That it is the opinion of this conference, that if the navigation on Potomac should be carried to about the mouth of the Stony river, a communication with the western waters, through a road from thence, extended even to Monongahela, would be preferable in most points of view, to that by a road from Cumberland to Turkey Foot, the only other way practicable, and in any great degree useful; that the communication by a road from Fort Cumberland to the present navigable parts of Yohogania, and thence through that river, though in the opinion of this conference, a second object only, would facilitate the intercourse with a very respectable number of the western settlers, contribute much to their convenience and

commodation, and that the benefits resulting therefrom to these states, would compensate the expense of improving that road.

The conference therefore recommend, that the legislatures of Virginia and Maryland, appoint skilful persons to view, and accurately examine and survey Potomac, from Fort Cumberland to the mouth of Stony river, and the river Cheat, from about the Dunker Bottom, to the present navigable part thereof; and if they judge the navigation can be extended, to a convenient distance above Fort Cumberland, that they may from thence survey, lay off, and mark a road to the Cheat river, or continue the same to the navigation, as they may think will most effectually establish the communication between the said eastern and western waters. And that the said road be cut and cleared, not less than eighty feet, and properly improved and maintained in repair, not less than forty, nor more than fifty feet wide, at the joint expense of both states; and your conferees beg leave to recommend, that each state appropriate \$3,333 33 for the purpose; and this conference are further of opinion that the states of Virginia and Maryland request permission of the state of Pennsylvania, to lay out and improve a road through such part of that state as may be necessary in the best and most proper direction, from Fort Cumberland to the navigable part of the Yohogania, and on such permission being obtained, that proper persons be appointed to survey, mark, clear, and improve such road; at the equal expense of Virginia and Maryland.

Which are submitted to the consideration of the legislatures of Virginia and Maryland.

By order

(Signed)

R. B. LATIMER, *Clerk.*

Managers are also appointed to receive subscriptions at the towns of Alexandria and Winchester; at Alexandria, John Fitzgerald and William Hartshorne, gentlemen; and at Winchester, Joseph Holmes and Edward Smith, gentlemen.

JACQUELIN AMBLER,

JOHN BECKLEY

*Managers.*

*To his Excellency, the Governor of Maryland.*

The commissioners, in submitting their report, deem it necessary in justice to themselves, to state the reasons why the fulfilment of their important duties, has been thus long delayed; measures were taken to commence the survey, so soon as the subsiding of the spring freshes would permit; but owing to the distance at which the commissioners lived from each other, and the circumstance that Mr. Moor, the late engineer of Virginia, was at that time engaged in a survey of the Roanoke

oke, we did not assemble at Cumberland until the 15th of July last: the inspection of the river from that point, to the mouth of Savage, and the survey of the line of connection between the western and eastern waters, occupied us until about the 31st of July, upon which day we commenced locating the canal; from that period we were most sedulously engaged, and although several of our party were attacked with sickness, shortly after leaving Cumberland, we still persevered, and through many difficulties, on the 18th of September, reached a point of the river, 187 miles below the beginning; here nearly the whole party of commissioners, as well as others were protracted by disease, which rendered our further progress impracticable. Mr. Moor, had hitherto preserved his health, and we parted with him under the expectation that we should again meet on the 4th of November. Soon alas! we were distressed by bearing of his death, an event which has deprived the world of a most valuable man, remarkable for the scope of his intellect, the practical soundness of his views, and his devotion to pursuits which are becoming more important to our young and rising country; deprived thus of the necessary services of Mr. Moor, and several of our number still being confined by sickness, no meeting took place at the appointed time, and it was not until about the 1st of December, that we again assembled. In the interim, the board of public works for Virginia, with a discernment which did them honor, appointed Mr. Isaac Briggs, the successor of Mr. Moor in his duties upon the Potomac. The advanced season of the year and the inclemency of the weather would probably have deterred us from finishing the survey; but the cheerful alacrity of Mr. Briggs, encouraged and sustained us, and under his auspices we have happily completed our labors. Deeply impressed with a zeal for the internal improvements of our respective states, we regard it as a duty at the same time, that we feel it a pleasure, to recommend Mr. Isaac Briggs to their consideration. Few, if any, can be found to equal him, in those most useful branches of science, to which he has devoted himself. In practice he is prompt and skilful, and in calculation his rapidity is like intuition, while his accuracy defies scrutiny. Considering how very little the important science of civil engineering is understood in our country, we do not hesitate to say, that a man so thoroughly versed, will be invaluable to that state which may have the discernment to perceive his merits, and the liberality to appreciate his services.

With great respect, we are,

ATHANS. FENWICK,  
WILLIAM NAYLOR,  
MOSES T. HUNTER.

Georgetown, December 19, 1822.



*To His Excellency the Governor.*

SIR: In consequence of information acquired, since my colleagues have returned to their homes, and since I find my signature to the joint report of the commissioners on the Potomac, I feel it a duty I owe to myself, to state the partial change on a single point which has been operated in me.

In the opinion given in the report, as to the forfeiture of the charter of the Potomac Company, no suggestion is made of any circumstances, warranting any remuneration, or provision to be made for the stock, or for the debts of the said company, under the the impression, that this company stood precisely in the condition of all companies which had failed to comply with obligations entered into, for a valuable consideration.

This opinion; I still think strictly and legally correct, with this difference, that inasmuch as it now appears to me from the enclosed paper or document, (which I beg to be communicated, with others referred to in the report) that the Legislatures themselves, appear to have projected the scheme for the improvement of the river, and also the outline of the manner of its being done, which has been so unsuccessful; and that therefore the states, if not legally bound by their recommendation of measures, to effect the improvement of the river, to make provision at least for the payment of the debts of a company, contracted to effect objects, having thus their sanction, and due to persons who took no share in the enterprise, or its expected profits. They will no doubt appreciate their moral obligations, under all the circumstances, whatever they find them to be.

In making this communication of ideas, on the enclosed paper, my humble intentions will be, I trust, approved, by the wisdom of the Legislature, and by your excellency.

I have the honor to be, sir,

Your obedient and humble servant,

ATHANS. FENWICK.

*Georgetown, December 22, 1822.*

*NORTHUMBERLAND, January 8, 1823.*

SIR: On the 3d January last year, I had the honor of forwarding to your Excellency, the accounts of the Northumberland Bridge Company for the preceding year: I have once more, by order of the Board of Managers, to send you the accounts to the annual time of making them up, the 4th May last.

I have the pleasure to inform you, that the company is now out of debt; and that notwithstanding the great drought and long continuance of low water, the past year, still the toll had been decreasing the four former years, has increased a trifle; say to the amount of *eighty-nine dollars fifty-two cents*; which leads to a hope that commerce is reviving. It must be recollected, however, that notwithstanding this pleasing prospect, the toll of the last year, is about *one thousand nine hundred dollars less* than it was for the same time, at the end of the year 1817. The board will rejoice

when the day arrives that will enable them to commence again making dividouds, and until that time, they will continue to send annually their accounts for the information of the Legislature.

I have the honor to be, sir,  
Your Excellency's,  
Most obedient and most humble servant

J. P. DE GRUCHY,  
President, N. B. C.

To his Excellency,

JOSEPH HIRSTER, Esq.

Governor of the state of Pennsylvania, &c. Harrisburg,

Dr.

*John Boyd, Esq. Treasurer of the Northumberland Bridge Com-  
pany, in account with said Company.*

1821.

Dec. 29. To so much passed from the toll account  
1822. by order of the board this day, 992 35

May 4. To so much passed from the toll account  
by order of the board being balance of  
that account to this day, 536 85½

To balance due the treasurer on this ac-  
count subject to the settlement of the  
note account, 1,711 20½

2,339 61½

Cr.

1821.

May 5. By balance due the Treasurer on  
this account, subject to the set-  
tlement of the note account, 2,059 99½

Oct. 6. Paid John Cowden, for balance due  
to James Gaston, for painting  
bridge, 100 00  
Interest on the same, 14 68

1822.

May 4. Cash paid for completing and repairing  
bridge, as follows: 144 68

Reuben Fields, for repairing arch  
next to Mrs. Grant's, per con-  
tract, 400 00

Do. for repairs to two arches on  
east sid of the island, 150 49

Owen T. Roberts, for smith work, 40 00

Joseph Schuyler work, 36 42½

Zachens Braley ditto 23 87½

John Boyd, sundry disbursements, 27 52½

*Contingent Expenses.*

Cash paid S. J. Packer, for printing,	1	50	
Mrs. Taggart's bills from May			
5, 1821 to this day,	25	62½	
			27 12½

*Expenses of Management.*

Cash to President, for his services			
for one year to this day,	150		
Treasurer and clerk do.	200		350

3,259 61½

We, the undersigned, managers of the Northumberland Bridge Company, nominated at a meeting of the Board, by the President to inspect the accounts of the Treasurer of the company, from the 5th day of May, A. D. 1821 to this day; do report, that after having inspected the said accounts, and examined the vouchers, we find a balance due the Treasurer, John Boyd, Esq. of one thousand seven hundred and eleven dollars twenty and one half cents, subject to the settlement of the note account; and we do further report, that by an account presented to us by the Treasurer, there yet appears due from the subscribers in the Northumberland book, the sum of ten hundred and seventy-eight dollars.

Witness our hands at Northumberland; this 4th day of May, A. D. 1822.

(Signed,)

ANDREW ALBRIGHT,  
GEORGE KREMER,  
JOHN COWDEN,  
JOSEPH R. PRIESTLY.

*Attest*—JAMES BORN, Treasurer.

A true copy from the records.

J. P. DE GAUCONV, *President N. B. C.*

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 91, from the House of Representatives, entitled "An act to authorise the purchase of certain copies of the laws of Pennsylvania."

And after some time, the committee rose, reported progress and obtained leave to sit again on the 8th of February.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Marley in the chair, on bill, No. 90, entitled "An act authorising the township of Roxborough, in the county of Philadelphia to apply the money arising from the tax on dogs in said township, to the support of the poor."

And after some time, the committee rose, and reported said bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill, No. 94, from the House of Repre-

Senatives, entitled "An act authorising a review of part of the state road from Carlisle through Newville and Roxborough to the Burnt Cabins."

And after some time, the committee rose, and reported said bill with amendments.

On motion of Mr. R. Smith and Mr. Mann, said bill was read a second time; and

The sections and title were severally considered and agreed to *Ordered*, That said bill be prepared for a third reading.

Adjourned until 10 o'clock, on Monday morning next.

## Monday, February 3, 1823.

Mr. Hubley presented three remonstrances of similar tenor, from sundry citizens of the commonwealth, against incorporating the Schuylkill Coal Company.

Mr. Shulze presented a remonstrance from sundry Roman Catholics of Lebanon, against any alteration being made in the charter of St. Mary's church.

Mr. Orr presented a petition from sundry citizens of Westmoreland and Armstrong counties, praying that a road may be made from Kittanning to Greensburg.

And said remonstrances and petition were read and laid on the table.

Mr. Dickerson presented a petition from sundry citizens of Donegal township, in Washington county, praying to be authorised to elect an additional constable for said township.

Mr. Mann presented a petition from sundry citizens of Providence township, in Bedford county, praying to be authorised to elect an additional constable for said township.

And said petitions were read and referred to Messrs. Dickerson, Henderson, Power, Mann and Herrington.

Mr. Shulze presented a petition from John Smith, of Lebanon county, an old soldier, praying for relief.

Which was read and referred to the committee on claims.

Mr. Herrington presented a petition from the trustees of Allegheny college, at Meadville, praying for legislative aid to enable them to complete the same.

And said petition was read and referred to the committee on education.

Mr. Markley, from the committee on the judiciary system, to whom was referred the petition of a number of the stockholders in the Lewistown and Huntington Turnpike Road Company, setting forth the illegality of the proceedings of the managers of said road, and disapproving of the conduct of the state managers acting in concert with the managers whose functions they conceive to have expired in proceeding to locate the road on a route different from which

the majority of the stockholders considered it ought to have been located—and praying for the passage of a law to appoint certain individuals to ascertain the facts in controversy, between the contending parties, in order to have the same submitted to the supreme court, for a speedy decision

**REPORT:** That they have carefully examined into the subject matter in controversy, and have heard the representation of the respective parties interested; and are of opinion, that it would be jeopardizing the interest of the company, to interfere by the adoption of any legislative provisions, which might have a tendency to alter the location of the road; a great part of which has been completed and approved of in conformity to law; and that too, on an eligible route which the locality of the country through which the same passes would admit.

The committee cannot avoid expressing the opinion, that the whole controversy that exists in relation to the subject, appears to originate principally on account of the location of the road, which effects, in some degree, the private interest of certain stockholders, who have every remedy afforded them, in obtaining legal redress, for any violation of their rights or of the several acts of assembly relative to the incorporation of said company, through the medium of the judicial authority of the state. The committee, therefore, submit the following resolutions:

**Resolved,** That the judiciary committee be discharged from the further consideration of the subject; and that the petitioners have leave to withdraw their petitions and documents."

Laid on the table.

Mr. Hill, from the committee to whom had been referred a resolution on the subject, reported a bill, No. 110, entitled, "A supplement to an act entitled "An act directing the formation of a map of Pennsylvania," passed 19th March, 1816.

Which was read the first time.

The bill, No. 94, from the House of Representatives, entitled "An act authorising a review of a part of the state road from Carlisle, through Newville and Roxbury, to the Burnt Cabins,"

Was read a third time and passed.

**Ordered,** That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same with an amendment, in which the concurrence of that house is requested.

On motion of Mr. Mann and Mr. R. Smith, the following resolution was twice read, considered and adopted, to wit:

**Resolved,** That the committee on the judiciary system be instructed to inquire into the expediency of providing by law, making it the duty of the sheriffs of the several counties within this Commonwealth, upon the receipt of any testatum fi. fa. to deliver the same to the prothonotary of the court of common pleas, whose duty it shall be, forthwith, to enter the same upon the records of said court, and return it to the sheriff, the amount whereof to be a lien from the date of such entry, upon the real estate

of the defendant or defendants therein named, situate, lying or being within said county.

The bill, No. 75, entitled "An act to annul the marriage of Francis D. Cummins and Esther his wife," was read a second time, as reported by a committee of the whole yesterday; and

The section and title were severally considered and agreed to. *Ordered*, That said bill be transcribed for a third reading.

The bill, No. 90, from the House of Representatives, entitled "An act authorising the township of Roxborough, in the county of Philadelphia, to apply the money arising from the tax on dogs, in said township, to the support of the poor," was read a second time, as reported by a committee of the whole yesterday; and

The sections and title were severally considered and agreed to. *Ordered*, That said bill be prepared for a third reading.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 98, from the House of Representatives, entitled "A supplement to the act entitled "An act to incorporate an academy or public school, in the town of Frank-  
lin, and for other purposes;"

And, after some time, the committee rose and reported said bill with amendments.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill, No. 96, entitled "A supplement to the act entitled an "Act relative to dower, and for other purposes."

And after some time the committee rose, reported progress and obtained leave to sit again, on Monday the 17th instant.

On motion of Mr. Power and Mr. Herrington, the Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 11 from the House of Representatives, entitled "An act authorising a review of the road from the city of Pittsburg to Mercer;"

And after some time, the committee rose, and reported said bill with amendments.

On motion of Mr. M'Meens and Mr. Power, the Senate again resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill, No. 81, entitled "An act for the relief of Reuben Winslow;"

And after some time the committee rose and reported said bill with amendments.

On motion of Mr. Herrington and Mr. Orr, the Senate resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No. 42, from the House of Representatives, entitled "An act authorising Walter Oliver, to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Coleman and Mr. Henderson, the Senate resolved itself into a committee of the whole, Mr. Kichelberger in the chair, on bill, No. 89, from the House of Representatives, en-

titled "An act authorising the laying out of a state road from Kittanning to Greensburg;"

And after some time, the committee rose, and reported the bill with amendments.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendment by the Senate to the bill entitled "An act authorising a review of part of the state road from Carlisle, through Newville and Roxbury, to the Burnt Cabins."

Adjourned until 10 o'clock, to-morrow morning.

**Tuesday, February 4, 1823.**

Mr. Warts presented a memorial from the Pennsylvania Institution for the Deaf and Dumb, remonstrating against any part of the appropriation heretofore made to that institution, being withdrawn.

Mr. Orr presented a remonstrance from sundry Roman Catholics of Cambria county, against altering the charter of St. Mary's church.

And said memorial and remonstrance were read and laid on the table.

Mr. Feger, from the committee to whom was referred the petition of David Gring, praying that he may, by way of lottery, be permitted to dispose of certain real estate, in Berks county, made reports

That they have had the subject under their consideration, and although they can sympathise with the petitioner in his misfortune they do not think it expedient at this time, to authorise any new lottery within this Commonwealth; they, therefore, submit the following resolution:

*Resolved*, That the petitioner have leave to withdraw his petition.

On motion,

Said resolution was read a second time and adopted.

The bill, No. 75, entitled "An act to annul the marriage of Francis D. Cummins and Esther his wife," was read a third time; and

On the question,

Shall said bill pass?

The yeas and nays were required by Mr. R. Smith and Mr. Duncan, and are as follow, to wit.

## YEAS.

Messrs. Dickerson,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Henderson,  
Herrington,  
Hill,  
Mahon,

## NAYS.

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Duncan,  
Hubley,

## YEAS.

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
W. R. Smith,  
St. Clair,  
Winter,  
Marks, speaker—17.

## NAYS.

Messrs. Mann,  
Robertson;  
R. Smith,  
Wurts.—9.

So it was determined in the affirmative. And  
*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

The bill, No. 96, from the House of Representatives, entitled "An act authorizing the township of Roxborough, in the county of Philadelphia, to apply the money arising from the tax on dogs in said township, to the support of the poor," was read a third time and passed. And

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same without amendment.

A motion was made by Mr. Markley and Mr. Shulze, that the Senate proceed to the second reading and consideration of the report and resolution, laid on the table yesterday, relative to the Lewistown and Huntingdon road;

Which was not agreed to.

The bill, No. 11, from the House of Representatives, entitled "An act authorising a review of the road from the city of Pittsburgh to Mercer," was read a second time, as reported by a committee of the whole yesterday.

Sections 1 and 2, were severally considered and agreed to.

Section 3, being under consideration,

A motion was made by Mr. Dewart and Mr. Herrington, to amend the same, in the 9th line, by inserting after the word "the" where it first occurs, these words "treasurer on warrant drawn by the;"

Which was agreed to; and

The section then, together with the title was agreed to; and

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 42, from the House of Representatives, entitled "An act authorising Walter Oliver to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor," was read a second time, as reported by a committee of the whole yesterday.



Section 1, being under consideration,

A motion was made by Mr. Herrington and Mr. Mann, to postpone the same, together with the bill, until to morrow;

Which was agreed to.

The bill, No. 98, from the House of Representatives, entitled "A supplement to the act entitled "An act to incorporate an Academy or Public School, in the town of Franklin, and for other purposes," was read a second time, as reported by a committee of the whole yesterday.

The section and title were severally considered and agreed to.

*Ordered*, That said bill be prepared for third a reading.

The bill, No. 89, from the House of Representatives, entitled "An act to incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster," was read a second time as reported by a committee of the whole yesterday.

Sections 1, 2, 3 and 4, were severally considered and agreed to.

Section 5, being under consideration,

A motion was made by Mr. Mann and Mr. R. Smith, to amend the same, by striking out the following proviso, to wit:

"And provided further, that this act shall not be so construed as to prevent the Legislature at any time hereafter, from altering or amending the corporate powers hereby granted."

Whereupon,

The yeas and nays were called by Mr. Hill and Mr. Dickerson, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Henderson,  
Herrington,

#### YEAS.

Messrs. Hill,  
Mahon,  
Mann,  
Markley,  
Shulze,  
R. Smith,  
St. Clair,  
Winter.—17.

#### NAYS.

Messrs. Cadwallader,  
Dewart,  
Hubley,  
Orr,  
Power,

#### NAYS.

Messrs. Robertson,  
W. R. Smith,  
Wurts,  
Marks, speaker.—2.

So it was determined in the affirmative; and

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled

"An act directing the payment of certain debts therein specified;"

Which was read the first time.

The Speaker laid before the Senate a letter from the Auditor General, which was read as follows, to wit:

AUDITOR GENERAL'S OFFICE,

February 4, 1828.

SIR: There has been presented at this office, on behalf of the Treasurer of Venango county, an account for road and county taxes, assessed for the year 1822, on twelve tracts of land, formerly the property of Dickinson College, but now a part of the lands re-transferred by that institution to the Commonwealth. These taxes, (as per copy of the account thereof hereto subjoined,) amount to \$51 47½ cents. As the lands thus re-conveyed to the state, are liable to the county for the taxes, the accountant officers have adjusted and settled the account; but there being no appropriation of money to pay the same, or any existing law authorising the payment, I have thought it my duty to report the same to the Legislature, in pursuance of the 7th section of the act of 30th March, 1811.

As all the unseated lands transferred to the Commonwealth, by the College, will no doubt be chargeable with taxes, for which the Commonwealth is liable, where they have been assessed subsequent to the transfer, I would respectfully submit the propriety of making some general legislative provision on the subject, embracing not only the taxes now assessed; but likewise such as may be assessed hereafter, so long as these lands remain the property of the state.

Respectfully, I am sir, your obedient servant,  
JAMES DUNCAN.

Hon. SPEAKER of the Senate.

Unseated lands in Venango county, Dr. with county and road taxes, for the year 1822, taxed in the name of Dickinson College, now the property of the Commonwealth of Pennsylvania, to wit:

Townships.	No. of Warrants.	No. of Acres.	Valuation.	County Tax.	Road Tax.
Richland.	764	292	876	5 25	4 38
	766	300	300	1 80	1 50
	768	310	620	3 72	3 10
French creek.	760	296	296	1 77	1 48
	756	256	256	1 5½	1 28
	757	317	317	1 90½	1 58½
	759	308	308	1 85	1 54
	750	301	301	1 80	1 50
	754	400	400	2 40	2 00
	755	306	306	1 83	1 53
	767	301	301	1 80	1 50
	753	400	400	2 40	2 00

28 06

23 39½

23 39½

\$51 45½

A true copy.

JAMES DUNCAN, A. G.

Laid on the table.

On motion of Mr. Groves and Mr. Power, the Senate adjourned to meet at half past three o'clock this afternoon.

***SAME DAY—IN THE AFTERNOON.***

The bill, No. 60, entitled "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight," being the order for this day,

On the question,

Will the Senate proceed to the consideration thereof?

The yeas and nays were required by Mr. Markley and Mr. Wurts, and are as follow, to wit:

***YEAS.***

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,

***NAYS.***

Messrs. Allshouse  
Fry,  
Groves,  
Hill,  
Mahon,  
Mann,  
Markley,

So it was determined in the negative.  
Adjourned until 10 o'clock, to-morrow morning.

***YEAS.***

Messrs. Henderson,  
Herrington,  
Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—12.

***NAYS.***

Messrs. Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—13.

**Wednesday, February 5, 1828.**

Mr. Shulze presented a petition from Terence Burns, a contractor on the Harrisburg, Carlisle and Chambersburg Turnpike Road, praying to be allowed a certain proportion of the tolls on said road, until the amount of his contract be liquidated.

Mr. Shulze also presented a petition from William Farren, of like import with the foregoing.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Herrington presented a petition from James Smith, of Mercer county, praying to be divorced from the bonds of matrimony.

Which was read and referred to Messrs. Herrington, Feger and Shulze.

Mr. Dickerson, from the committee to whom had been referred, on the 3d instant, two petitions on the subject, reported a bill, No. 112, entitled "An act authorising the election of an additional constable, in the township of Donegal, in the county of Washington and in the township of Providence, in the county of Bedford."

Which was read the first time.

The bill No. 11, from the House of Representatives, entitled "An act authorising a review of the road from the city of Pittsburg to Mercer;"

The bill, No. 98, from the House of Representatives, entitled "A supplement to the act entitled "An act to incorporate an academy or public school, in the town of Franklin, and for other purposes;"

The bill, No. 89, from the House of Representatives, entitled "An act to incorporate the Strasburg academy, in the borough of Strasburg, in the county of Lancaster," were severally read a third time and passed. And

*Ordered*, That the Clerk return said bills to the House of Representatives with information that the Senate have passed the same; the two former with, and the latter without amendments, in which the concurrence of that house is requested.

The bill, No. 42, from the House of Representatives, entitled "An act authorising Walter Oliver to make sale of certain lands in Mercer county the property of Eleanor Junkin, a minor," postponed yesterday,

Was read a second time;

And the section and title were severally considered and agreed to. And

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. Meeus and Mr. Power, the Senate proceeded to the second reading and consideration of the bill, No. 81, entitled "An act for the relief of Reuben Winslow."

Section 1. being under consideration,

A motion was made by Mr. Herrington and Mr. Robertson, to amend the same, in the 4th line, by inserting, after the word "pay," these words: "*three hundred dollars out of*," which was not agreed to.

On the question,

Will the Senate agree to the section?

The yeas and nays were required, by Mr. Dickerson and Mr. Henderson, and are as follow, to wit:

*YEAS,*

Messrs. Eyster,  
Feger,  
Fry,  
Hubley,  
Mahon,

*YEAS*

Messrs. Markley,  
M'Meens,  
Orr,  
Marks, speaker.—9.

*NAYS.*

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Groves,  
Henderson,  
Herrington.

*NAYS.*

Messrs. Hill,  
Mann,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Wurts.—17.

So it was determined in the negative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Power in the chair, on bill, No. 109, from the House of Representatives, entitled "An act for the preservation of wooden bridges, within this Commonwealth,"

And after some time, the committee rose, reported progress, and obtained leave to sit again to-morrow.

On motion of Mr. Markley and Mr. W. R. Smith, the Senate proceeded to the second reading and consideration of the resolution attached to the report relative to the Lewistown and Huntingdon Turnpike Road Company; and said resolution was again read, considered and adopted.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill No. 24, from the House of Representatives, entitled "A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning."

And, after some time, the committee rose, and reported said bill, with amendments.

On motion of Mr. Hubley and Mr. Orr, said bill was read a second time, considered by section and agreed to.

The title was agreed to. And

*Ordered*, That said bill be prepared for a third reading.

On motion,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill No. 31, from the House of Representatives, entitled "An act authorising a review of part of the state road between the borough of Butler and Mercer."

And after some time the committee rose, reported progress and obtained leave to sit again on the 19th instant.

Adjourned until 10 o'clock, to-morrow morning.

Thursday, February 6, 1823.

Mr. Groves presented two petitions of similar tenor, from sundry landholders in the city and county of Philadelphia, praying for certain alterations in the landlord and tenant law.

Mr. Robertson presented two remonstrances of similar tenor, from sundry citizens of Chester and Montgomery counties, against a charter being granted to the Schuylkill Coal Company.

And said petitions and remonstrances were read and laid on the table.

Mr. Feger presented a petition from Wilhelm Machemer, of Berks county, an old soldier, praying for relief.

Which was read and referred to the committee on claims.

Mr. Herrington presented a petition from sundry citizens of Crawford county, praying that commissioners may be appointed, to examine into the practicability of cutting a canal between the head waters of the creeks Shenango and Astabula, so as to connect Lake Erie with the Ohio river.

Mr. Wurts presented five petitions of similar tenor, relative to the Chesapeake and Delaware canal.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

On motion of Mr. Groves and Mr. R. Smith, two additional members were added to the committee on the subject of the communications from Maryland, relative to slaves.

*Ordered*, That Messrs. Hubley and Mahon be added to said committee.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, reported a bill, No. 113, entitled "A supplement to the act entitled "An act for the improvement of the state."

Which was read the first time.

The bill, No. 24, from the House of Representatives, entitled "A supplement to an act entitled "An act to incorporate a company for making a turnpike road, from Butler to the Allegheny river, opposite Kittanning;" and

The bill, No. 42, from the House of Representatives, entitled "An act authorising Walter Oliver, to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor," were severally read the third time, and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that Senate have passed the same, the former with, and the latter without amendments, in which the concurrence of that House is requested.

On motion of Mr. Markley and Mr. Groves, the following resolution was twice read, considered and adopted, to wit:

*Resolved*, That the president and directors of the Pennsylvania, Philadelphia, and Farmers' and Mechanics' Banks, in Philadelphia, be and they are hereby severally requested to exhibit to the Senate, on or before the third Monday in February (instant,) statements in the form of regular accounts current, of their respective banks, as the same respectively stood, on the first Monday in

November, and on the first Monday of January last; designating particularly the amount of their capital stock; notes in circulation, deposits, debts due to other banks, contingent fund, notes and bills discounted, stocks held by them, real estate, notes and debts due by other banks, specie on hand; and also, such other information as may enable the Legislature to form a correct knowledge of the actual condition of each bank.

A motion was made by Mr. Groves and Mr. Markley, and read as follows, to wit:

*Resolved*, That the Governor of this state be requested to direct the proper officers to lay before the Senate, a schedule of the real estate belonging to this Commonwealth; where the same is situated, the probable value thereof; as also such other matter relative thereto, as may be deemed necessary for the information of the Legislature.

Laid on the table.

Mr. Herrington read in his place, and on leave given presented to the chair, a bill, No. 114, entitled "An act reducing the number of managers of the turnpike companies, between Pittsburg and Meadville;"

Which was read the first time.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill, No. 105, entitled "A supplement to the act entitled "An act establishing an Academy in the borough of Lebanon, in the county of Lebanon."

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Hubley and Mr. Shulze, said bill was read a second time.

The section and title were severally considered and agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 106, entitled "A further supplement to the act entitled "An act to authorise the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend Turnpike Road."

And after some time, the committee rose, reported progress and obtained leave to sit again on the 20th instant.

On motion of Mr. Groves and Mr. Duncan, the rule for going into a committee of the whole being in this case dispensed with, the Senate proceeded to the second reading and consideration of bill, No. 104, entitled "A supplement to an act entitled "An act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth-street and the river Delaware, and between Vine street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen."

The sections were severally considered and agreed to,

The title being under consideration,

A motion was made by Mr. Groves and Mr. Power, to amend the same, by adding to the end thereof, these words "*and for other purposes;*"

Which was agreed to; and

The title as amended, was then agreed to.

*Ordered*, That said bill be transcribed for a third reading.

The Clerk of the House of Representatives, being introduced, presented for concurrence, the bill entitled "A further supplement to an act entitled "An act to incorporate the city of Lancaster,"

Which was read the first time.

And informed that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled

"An act authorising a review of the road from the city of Pittsburg to Mereer."

"A supplement to the act entitled "An act to incorporate an Academy or Public School in the town of Franklin, and for other purposes."

On motion of Mr. Hubley and Mr. M'Meens, the Senate resolved itself into a committee of the whole, Mr Fry in the chair, on bill, No. 83, entitled "A supplement to an act entitled "An act to regulate the payment of costs on indictments,"

And after some time, the committee rose and reported said bill without amendment.

On motion of Mr. Hubley and Mr. Feger, the Senate resolved itself into a committee of the whole, Mr. Feger in the chair, on bill, No. 84, entitled "An act for the limitation of actions, &c. to be brought upon penal acts of assembly."

And after some time, the committee rose and reported said bill without amendment.

Adjourned until 10 o'clock, to-morrow morning.

**Friday, February 7, 1823.**

Mr. Fry presented three petitions of similar tenor from sundry citizens of Upper Milford township, in the county of Lehigh, praying that said township may be made a separate election district, and the elections held at the house of Daniel Stahler.

Mr. Fry presented two petitions of similar tenor, from sundry citizens of Maccungy township, in the county of Lehigh, praying to be made a separate election district, and that the elections may be held at the house of Jeremiah Trexler, in said township.

And said petitions were read and referred to the committee on election districts.

Mr. Groves presented a petition from Henckiah Barhaus, pray-



ing to be authorised to furnish sundry copies of his "Critical Pronouncing Spelling Book" for the use of the poor children throughout the commonwealth;

Which was read and referred to the committee on education.

The bill, No. 104, entitled "A supplement to an act entitled "An act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes;" and

The bill, No. 105, entitled "A supplement to the act entitled "An act establishing an academy in the borough of Lebanon, in the county of Lebanon," were severally read the third time and passed.

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

A motion was made by Mr. W. R. Smith and Mr. Herrington, and read as follows, to wit:

*Resolved*, That a committee be appointed to inquire into the causes of the failure, on the part of the State Treasurer and Auditor General, to procure the loan authorised by the act of 2d April, 1822.

*Ordered* To lie on the table.

On motion of Mr. Wurts and Mr. Cadwallader, an item of unfinished business of the last session, relative to vesting "in the United States, certain premises whereon an Arsenal is erected," was referred to Messrs. Wurts, Mann and Henderson.

A motion was made by Mr. Wurts and Mr. Cadwallader, that the Senate reconsider the vote given on bill, No. 81, entitled "An act for the relief Reuben Winslow;"

Which was agreed to. And

The bill being again under consideration, a motion was made by Mr. Wurts and Mr. Cadwallader, to postpone the further consideration of the same, for the present, which was agreed to.

The bill, No 83, entitled "A supplement to an act entitled "An act to regulate the payment of costs on indictments," was read a second time. And

The 1st section being under consideration, a motion was made by Mr. R. Smith and Mr. Mahon, to postpone the question, together with the bill, for the present, and that the same be referred to the committee on the judiciary system;

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act for the relief of John Blake and Joseph Dearman."

"An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers.

Which were read the first time.

And informed, that the House of Representatives have concurred in the amendments, by Senate, to the bill entitled "A supplement to an act entitled "An act to incorporate a company for ma-

king a turnpike road from Butler to the Allegheny river, opposite Kittanning."

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 111, from the House of Representatives, entitled "An act directing the payment of certain debts, therein specified."

And after some time, the committee rose, reported progress and obtained leave to sit again to-morrow.

A motion was made by Mr. Wurts and Mr. Dewart, that when the Senate adjourns it adjourns to meet at half past three o'clock this afternoon, which was agreed to. And

The Senate then adjourned until that hour.

### *SAME DAY—IN THE AFTERNOON.*

On motion,

The order of the day having been discharged, on bill, No. 60, entitled, "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight,"

A motion was made by Mr. Wurts and Mr. Duncan, to discharge the committee of the whole from the further consideration of said bill, and that the same be postponed indefinitely.

Whereupon,

The yeas and nays were required by Mr. Duncan and Mr. Eichelberger, and are as follow, to wit:

#### *YEAS.*

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,

#### *YEAS.*

Messrs. Eyster,  
Henderson,  
Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—12.

#### *NAYS.*

Messrs. Feger,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,  
Mann,

#### *NAYS.*

Messrs. Markley,  
Orr,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—14.

So it was determined in the negative.

The Senate then resolved itself into a committee of the whole Mr. Mahon in the chair, on said bill.

And after some time, the committee rose, reported progress and asked leave to sit again.

On the question,

Shall the committee have leave to sit again?

A motion was made by Mr. Markley and Mr. St. Clair, that the committee of the whole be discharged from the further consideration of said bill, and that the same be postponed for the present.

Which was agreed to.

Adjourned until 10 o'clock, to-morrow morning.

## Saturday, February 8, 1823.

Mr. Groves presented a petition from sundry citizens of the Commonwealth, in favor of incorporating the Schuylkill Coal Company;

Which was read and laid on the table.

Mr. Mahon presented a petition from Barney Daugherty and John Davis, contractors on the Harrisburg, Carlisle and Chambersburg Turnpike Road, stating that they have received no pay for their labor, and praying the Legislature to grant them relief.

Which was read and referred to the committee on roads, bridges and inland navigation,

The Speaker laid before the Senate, a letter and statement from the Adjutant General, which were read as follow, to wit:

HARRISBURG, *February 7, 1823.*

SIR: In obedience to the provisions of the 74th section of the militia law of this Commonwealth, appropriating the sum of three thousand five hundred dollars, for the purpose of cleaning and repairing the public arms, and property in the state arsenals, and directing the Adjutant General, to render an account of the expenditure of the above appropriation to the Legislature, I have the honor of submitting, through you, to the Senate, the enclosed statement.

Very respectfully, sir,

I have the honor to be,

Your obedient servant,

ROBERT CARR,

*Adjutant General.*

WILLIAM MARKS, Esq. Speaker

of the Senate of the Commonwealth of Penn'a.

## STATEMENT

Of the expenditure of the sum of three thousand five hundred dollars, appropriated by the 74th section of the militia law, for cleaning and repairing the public arms and property in the state arsenals, viz:

# THE SENATE.

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Warrant in favor of Geo: Sees, for washing 1600 tents,	\$200 00
Do. Daniel Sharp, for boxes, for packing arms for transportation,	64 40
Do. George Sees, for washing 321 common tents, 244 wall tents, 242 flies and bell tents,	216 75
Do. William Rodgers, for washing 520 tents,	104 00
Do. Daniel Sharp, for repairs of arsenal, and boxes for arms,	55 16
Do. Joel Bailey, for repairs and work at arsenal,	64 87½
Do. Kurtz & Sees, for cleaning and repairing 400 muskets,	185 66
Do. Kurtz & Sees, do. 400 do.	377 85
Do. William M. Evans, do. 100 do.	72 83
Do. Kurtz & Sees, do. 400 do.	668 61
Do. Jacob Hull, do. 460 do.	256 62½
Do. Kurtz & Sees, do. 317 rifles, including 93 new locks for do.	154 88
Do. William M. Evans, do. 300 muskets,	293 64
Do. Christian Kline, do. 400 do.	425 9
Balance undrawn,	360 20½
	<hr/> \$3,500 00

The contractors have now in hand the carriages of the brass field pieces, at Meadville, and 900 muskets at the other arsenals, the repairs of which, if completed, will exceed the undrawn balance of the above appropriation.

In submitting the above statement, I beg leave most respectfully to remark, that the cleaning and repairing of the arms has been done, by good workmen, at half the prices heretofore paid for similar work; and that they have faithfully complied with the terms of their contracts.

Nearly all the muskets cleaned and repaired have been issued on the requisitions of the brigade inspectors, and there yet remain upwards of 3000 of the public muskets in a very rusty and perishing condition; the greater part of which could be put in good order to issue to the volunteers, from whom the demand for arms is still increasing.

Although many of the muskets are broken and not worth repairing, yet the different parts of such pieces can be very advantageously used in repairing other arms.

I have not yet been enabled to effect an exchange of the bad rifles and German muskets, as directed by the 75th section of the militia law, in consequence of some unsettled accounts between the state of Pennsylvania and the ordnance department of the United States, for arms and munitions of war, and for arms lost and captured by the enemy during the late war: but from a recent communication, from the officer superintending that department, I have hopes of accomplishing this duty at an early period.

Respectfully submitted, by

ROBERT CARR,

*Adjutant General, Pennsylvania Militia.*

*Ordered*, That the same be referred to the committee on the militia system.

Mr. Eyster, from the committee of accounts, made report: That they have had submitted to them, the additional account of Charles Mowry, for printing done for the last session of the Senate, not included in the former settlement of the 2d day of April last; and find that there appears to be a balance of two hundred and thirty-three dollars and two cents, yet due him for said work.

*The following is a statement of the account:*

For 5 sheets of the Senate Journal, at \$23 per sheet,	\$115 00
Additional proportion of 175 copies at same rate,	16 77
1200 copies documents annexed to the report on roads, bridges, &c. by a resolution of the Senate, 12½ sheets, at \$23 per sheet,	285 75
Balance for stitching and covering 1050 copies of do.	19 50
	<hr/>
	\$436 02
Cr.	
By cash, Samuel Conrad's check,	200 00
	<hr/>
Balance,	\$236 02

Therefore submit the following resolution:

*Resolved*, That the Speaker draw his warrant on the State Treasurer, in favor of Charles Mowry, for two hundred and thirty-three dollars and two cents, in full of his account for the printing of the Senate for the last session.

On motion of Mr. Eyster and Mr. Eichelberger, the resolution was again read, considered and adopted; and

A warrant was accordingly so drawn:

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills, entitled as follow, to wit:

"An act erecting Connelville township, in Fayette county, into a separate election district, and for other purposes."

"An act to authorise the laying out a state road from William Steen's tavern, on the turnpike road leading from Bedford to Washington, to Connelville."

"A further supplement to an act entitled, 'An act for the improvement of the state,' passed the 26th March, 1821."

"An act for the relief of John Ford."

"An act to authorise the removal of the persons now confined in the Prune street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes."

"An act authorising a review of part of the state road leading from the borough of Bedford, through the borough of Indiana, to the town of Franklin."

"An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same; from thence through the borough of Mercer, to the state line, in a direction to Warren, and a

review of the state road from the borough of Indiana to the mouth of Anderson's creek."

"An act authorising the erection of slopes in the Loyahanna and Yellow breeches creeks."

"An act authorising the court of common pleas of the county of Franklin to do certain things therein mentioned."

"An act to authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike."

"An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of overseers and supervisors in said township."

And said bills were read the first time.

A motion was made by Mr. W. R. Smith and Mr. Winter, that the Senate proceed to the second reading and consideration of a resolution offered yesterday, relative to the causes that prevented the Auditor General and State Treasurer from obtaining a certain loan;

Which was not agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 111, from the House of Representatives, entitled "An act directing the payment of certain debts therein specified."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday next.

Adjourned until 10 o'clock, on Monday morning next.

## Monday, February 10, 1823.

Mr. Dickerson presented a petition from Benjamin Stewart, of Washington county, praying the Legislature to grant him on loan, 1500 dollars, for the term of three years, without interest, to enable him to continue his efforts in boring for salt water.

And said petition was read and referred to Messrs. Dickerson, Duncan and Fry.

Mr. Groves presented a petition from Anthony Cuthbert, of the city of Philadelphia, praying to be indemnified for certain losses sustained by him, in the manner of opening the streets in the district of Southwark.

Mr. Wurts presented a petition for incorporating the Schuylkill Coal Company.

And said petitions were read and laid on the table.

A motion was made, by Mr. Duncan and Mr. Henderson, that the Senate proceed to the second reading and consideration of the

resolution, relative to the causes that prevented the Auditor General and State Treasurer from obtaining a certain loan;

Which was not agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Groves in the chair, on bill No. 111, from the House of Representatives, entitled "An act directing the payment of certain debts therein specified."

And after some time, the committee rose, reported progress and asked leave to sit again;

Which was not granted.

A motion was made, by Mr. R. Smith and Mr. Dewart, that when the Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon;

Which was not agreed to.

Adjourned until 10 o'clock, to-morrow morning.

## Tuesday, February 11, 1823.

Mr. Power presented a petition and documents, from James Herrington, praying to be indemnified for certain losses sustained by him, in consequence of the operation of the act of assembly, passed 18th April, 1795, by which he was deprived of a lot of ground, in the town of Erie, and county of Crawford.

Which was read and referred to the committee on the judiciary system.

Mr. Hubley presented two petitions of similar tenor, from sundry citizens of the commonwealth, praying that the commissioners appointed by a former law, to make a state road from Nescopeck to Orwigsburg, may be removed, and that John Schall, John Krater and Jacob Shelly, may be substituted in their places;

Which were read and laid on the table.

Mr. Markley from the committee on the judiciary system, to whom had been referred petitions on the subject, reported a bill, No. 129, entitled "An act establishing an additional district of the supreme court, and for other purposes."

Mr. Markley from the same committee, reported a bill, No. 130, entitled "An act relative to the entry of Testatum Fi. Fas.

And a bill, No. 131, entitled "A supplement to the act allowing peremptory challenges."

Mr. Wurts, from the committee to whom had been referred an item of unfinished business, on the subject, reported a bill, No. 132, entitled "An act to cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected."

Which bills were severally read the first time.

On motion of Mr. Hill and Mr. Orr, the following preamble and resolution was twice read, considered and adopted, to wit:

Whereas, pursuant to a resolution of the Senate, dated January 23, 1823, a number of the militia officers were requested to transmit to the Secretary of the Commonwealth, such information as they were severally in possession of, relative to "services rendered, moneys advanced or expenses incurred in the late war, which had not been paid for or re-imbursed, or any other equitable claim against the government, for carrying into effect any military order, during the said war:

Therefore,

*Resolved*, That the Secretary of the Commonwealth, be and he is hereby required to transmit to Senate, all such information as may have been transmitted to him, pursuant to the aforesaid resolution.

The Secretary of the Commonwealth being introduced, presented a message and documents from the Governor, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have directed to be laid before you, copies of a report of the commissioners for erecting a State Penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburgh, in the county of Allegheny. Also copies of the proceedings of a general meeting of the officers of the first brigade, first division, Pennsylvania militia, proposing to the consideration of the Legislature, certain alterations and amendments to the existing militia law.

JOSEPH HIESTER.

February 11, 1823.

*To his Excellency, Joseph Hiester, Esquire, Governor of the Commonwealth of Pennsylvania.*

The commissioners for erecting a State Penitentiary on the public land adjoining the town of Allegheny, opposite Pittsburgh, in the county of Allegheny,

#### REPORT:

That subsequently to the date of their last annual communication, they have expended on said building, the sum of seventeen thousand five hundred and two dollars, thirty and one half cents, which, deducted from the amount of the appropriation previously expended, leaves a balance, subject to the control of the commissioners, of twenty-six thousand two hundred and sixty dollars and four cents, a sum amply sufficient to meet the demands of the approaching season.

The commissioners have the pleasure of stating, that the progress of the work entrusted to their superintendance, has hitherto equalled their most sanguine expectations. They have completed the outward wall and have roofed in the main building and



towers. The workmanship of all which, has been executed in a style that for strength, durability and elegance, they believe will advantageously bear a comparison with any similar building in Pennsylvania.

Considerable progress has also been made, in the foundation of the cells; but the commissioners have refrained from engaging in that portion of them which in the original plan is connected with the culvert, under the expectation that the Legislature will deem it expedient to dispense with that expensive and useless appendage.

Upon the subject of the culvert, the commissioners have already expressed to you their sentiments at large. They still continue to disapprove of it, as being costly, unwholesome, insecure, and by no means adequate to the objects it was intended to answer, more especially as the Penitentiary is built in a situation where the water requisite for its purification cannot be obtained.

The commissioners respectfully request you to lay this communication before the Assembly; that during the present session, it may be decided whether any new modification of that part of the plan, shall be adopted; or whether the culvert shall be constructed according to the drawing referred to in the first law on the subject.

With high respect,  
We have the honor to be,  
Your obedient servants,

JAMES ROSS,  
WM. WILKINS,  
ALEX. JOHNSTON, Jr.  
JOHN SCULL,  
A. BARKER.

*Pittsburg, January 20th, 1823.*

*PHILADELPHIA, February 5, 1823.*

SIR: In compliance with a resolution, passed at a meeting of the officers of the first brigade of the first division of the militia of this Commonwealth, we have the honor to transmit to your Excellency, a copy of the proceedings of the said meeting, and respectfully, to request you, to submit the proposed alterations and amendments, to the consideration of the Legislature:

With sentiments of the highest respect,  
We have the honor to be,  
Your Excellency's most obedient servants,

T. CADWALLADER,  
B. Gen. 1st Brig. 1st Div. P. M.  
CHAS. SIDNEY COXE,  
Col. 19th Reg. P. M.

To his Excellency, General JOSEPH HIXSTER, Governor and Commander in Chief, of the Militia of Pennsylvania, Harrisburg.

At a general meeting of the officers of the 1st Brigade, 1st Division of the Pennsylvania Militia, held at the Citizens' Hotel in Chesnut Street, pursuant to adjournment, on the evening of the 4th February, 1823,

Brigadier General *Thomas Cadwalader*, was called to the chair, and

Colonel *Charles Sidney Cox*, was secretary.

The chairman having fully explained the object of the meeting, it was

*Resolved*, That on examination of the existing militia law, it is deemed advisable to make application to the Legislature to obtain the following alterations and amendments, viz:

In the 8th section to strike out the words "of the first school district," thereby exempting from enrolment in the militia, the directors and controllers of the public schools generally.

The 13th section, second paragraph, to be altered so as to give the rank of major to the brigade major, in conformity with all former laws of this Commonwealth, and with the regulations of other states. Officers who have held commissions in that grade cannot, it is presumed, with propriety, consent to a renewal of their commissions, with inferior rank; and a number of valuable officers are thus for the present lost to the staff.

The fourth paragraph of the same section, to be amended so as to authorise the appointment of a regimental paymaster.

Section 21. In the 19th page of the pamphlet, second line, after the word "resident," to insert "the fact being certified in writing to the proper brigade inspector, by a majority of the field officers of the regiment;" and after the word "vacant," third line, to insert "and the said brigade inspector shall forthwith cause a new election to be held."

In the proviso, at the end of this section, to insert the word "company," before the word "officers;" and after the last word of the section, to add "and the field and staff officers within any part of the bounds of the division."

In the 22d section, to insert the following proviso: "the company trainings in the first brigade of the first division, shall commence on the last Monday in April, in every year. The companies of each regiment parading together at the time and place designated by the commanding officer of the regiment; successive days being allotted to the companies of the different regiments in the order directed by the brigadier general. The regiment to be marched to a convenient place, and there to be trained in companies, under the superintendence of their field officers."

This arrangement will enable companies to be provided with arms and the general superintendence of the field officers, will ensure a fit adherence to the system of exercise prescribed, and will tend as well to the correction of all irregularities, as to the establishment of uniformity in the movements and words of command.

In the 9th line, before "Sunday," insert the words "Saturday and." Several religious sects observing *Saturday* as their Sabbath, cannot train on that day.

In the 7th line, to strike out brigade inspector, and insert "brigadier general;" and in the 11th line, insert "by order of the brigadier general," after the words "brigade inspector." These alterations are proposed to prevent the anomaly of an officer of the staff issuing an order as of his own authority, and directed to his superiors in rank.

In the 22d line, after the word "otherwise," to insert "and notifying the brigadier general accordingly, whose duty it shall be to review and superintend the movements of the regiment."

The object of this amendment is to give the general of brigade a controlling power over the drill and discipline of the several regiments of his command, so as to enable him to enforce an uniform system which may be in conformity with the established regulations.

The 25th section to be so altered, that instead of meeting on the "2d Monday in June," the court of appeal shall meet on the 7th day from and after the day of regimental or battalion training. The reduction of the interval between the training and the meeting of the court, will ensure a better attention on the part of the appellant, and, will afford him greater facilities in producing his proofs.

To add a proviso at the end of the section, "that in the first brigade of the 1st division, one of each of the lists and company returns, required from the court of appeal, be delivered to the colonel of the regiment, and the other to the paymaster thereof, within five days after the sitting of the said court." This alteration is proposed in consequence of the frequent removals of persons subject to fines in this city.

The 26th section to have the following proviso added: "That within the bounds of the 1st brigade of the 1st division, the president of the court of appeal of the proper battalion of each regiment, shall be authorised to perform the duties required of the brigade inspectors, as well in proceeding against the said constable or other fit person, in recovering the amount of fines collected by him, as otherwise; and that the fines collected in each regiment of said brigade, shall be applied as a fund to defray the expenses thereof, under the directions of the board of field officers."

It is believed that this provision will enable the several regiments in this brigade, to defray all their necessary expenses, without drawing upon the funds of the Commonwealth; and thereby effect a considerable saving to the state.

The 27th section, the following to be added: "Provided, that in the 1st brigade of the 1st division, the regimental paymaster be required to keep the accounts of his regiment in a book to be provided for that purpose, and to pay all orders drawn upon him by the colonel or commanding officer of the regiment, for the expenses of the regiment, so far as he may be in the possession of funds for that purpose."

The 29th section, In the compensation for enrolment, to strike out the words "each person lawfully enrolled three cents," and to insert "for each company not less than two nor more than five dollars, at the discretion of the field officers of the regiment."

As the law now stands, the rolls are in many cases improperly swelled.

In the 49th section, after "the" in the seventh line from the top, to insert "General of his brigade and the," so as to make it read "and shall execute all orders relative to duty received by him from the General of his brigade and the Adjutant General."

The object of this provision is to place the brigade inspector as he should be, subject to the direction of the Brigadier General, in matters of duty, and thereby connect the regular chain of military subordination.

After the paragraph requiring him to furnish statements to the Adjutant General, &c. insert, "he shall furnish the general or other officer commanding his brigade, with a roll of all the officers as they may, from time to time, be elected, or appointed; and shall attend the Brigadier General when reviewing the respective regiments of his brigade. He shall, upon the requisition of the colonel or commanding officer, furnish the necessary arms for the use of the militia for company, battalion or regimental trainings, when the same can be done without further expense or injury to the property of the state than is already provided for."

By the insertion of the first amendment, the Brigadier General will be enabled, when occasion may require it, to detail for courts martial or other extra duty, without delay; and, also to have some opportunity of knowing the officers who may be under his command. The second clause obviates the difficulties which have heretofore existed to prevent the loan of arms to the militia, when the same may be done without any expense to the state whatever.

The 53d section to be altered so as to give to the musicians two dollars per day. The present compensation of one dollar being insufficient.

The 55th section. The first seven lines of the H. article to be altered so as to read thus: "If *any commissioned* or staff officer, when the regiment, battalion, troop or company, to which he may belong, or in which he holds a command, shall be paraded, or *upon any other occasion connected with military duty*, shall misbehave or demean himself in a manner unbecoming an officer; or shall, on any occasion, neglect or refuse to obey the orders of his superior officer."

To strike out "shall," in the third line from the bottom of page 45, (pamphlet copy of the militia act) and insert "may;" and at the end of this article add: "Provided, that if not so arrested, on proof before a regimental court martial, of such misconduct, the party accused having been duly notified to attend the said court, he may be fined in like manner."

So as to render the arrest not imperative, but at the pleasure of the commanding officer, which will remove the necessity of arresting a disorderly militia man, which is now an absolute requisite to render him amenable to a court martial. The material of the militia is such, as to cause much difficulty, at times, in correcting intoxicated and disorderly persons on parade, when it frequently happens that neighbours are placed side by side, and are disposed

to espouse the cause of each other; thus increasing the confusion when the guilty might be more effectually punished by dismissal from the parade, and subsequent trial by a court martial.

The last sentence of the IV. article to be stricken out, and the following substituted: "Each member of the said court shall be allowed a compensation of one dollar per day, to be paid by the Brigade inspector, in lieu of all expense."

The object of this amendment is to reduce the expenses of court martials, which under the present system are extremely heavy.

*Resolved.* That the Chairman and Secretary be a committee for the purpose of transmitting the proceedings of this meeting to his Excellency the commander in chief of the militia of this commonwealth, with a request that he will submit the proposed alterations and amendments to the consideration of the Legislature, and, generally, for the purpose of effecting the object of this meeting.

T. CADWALADER,

B. Gen. 1st. Brig. 1st. Div. *Chairman.*

Attest, CHARLES SIDNEY COXE,

Col. 19th Reg. *Secretary.*

Laid on the table.

On motion of Mr. Dickerson and Mr. Orr,

*Ordered,* That so much of the message as relates to the Pittsburg penitentiary, be referred to the committee who have that subject under consideration;

And that that part relative to the militia law, be referred to the committee on the militia system.

The bill, No. 111, from the House of Representatives, entitled "An act directing the payment of certain debts therein specified," was read a second time, as reported by a committee of the whole yesterday.

The sections were severally considered and agreed to.

The title being under consideration,

A motion was made by Mr. R. Smith and Mr. Mann, to postpone the same for the purpose of introducing the following preamble, to wit:

"Whereas the sum of one hundred and fifty thousand dollars was borrowed by the Governor, under the provisions of the act of the 23d of March, 1818, to wit: fifty thousand dollars on the 10th of April, 1818; fifty thousand dollars on the 27th November, and fifty thousand dollars on the 21st of December, of the same year, which said loans, by the terms of the act authorising the same, were to be reimbursed within four years from the time they were respectively negotiated, and the faith of the commonwealth was pledged by the act for the redemption of said loans, within four years from the time they were respectively made.

"And whereas the constitution declares, that the Governor shall take care that the laws be faithfully executed; and as he did not think proper, within the period limited by said act, to direct the

State Treasurer to reimburse the same, as has heretofore been the practice under similar laws,

"Therefore:"

Which was agreed to.

The preamble then being under consideration,

A motion was made, by Mr. Hubley and Mr. Wurts, to amend the same, by inserting after the word executed, in the line, these words, "*and that no money shall be drawn from the treasury, but in consequence of appropriations made by law;*"

And in the same line, make "*he*" read "*governor.*"

Whereupon

The yeas and nays were required, by Mr. Hubley and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Duncan,  
Feger,  
Henderson,

**NAYS.**

Messrs. Allshouse,  
Dewart,  
Dickerson,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,  
Mann,

**YEAS.**

Messrs. Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—9.

**NAYS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker—17.

So it was determined in the negative.

A motion was then made, by Mr. Hubley and Mr. Feger, to amend the preamble in the line, by inserting after the word "*as*" the words "*it is said it;*" and after the word "*practice,*" these words: "*of one of his predecessors in office.*"

Mr. Dewart called for a division of the question.

The first amendment was then considered and disagreed to.

The second being under consideration,

The yeas and nays were required by Mr. Dewart and Mr. W. R. Smith, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Feger,  
Henderson,

**YEAS.**

Messrs. Herrington,  
Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—11.

**NAYS.**

Messrs. Allshouse,  
Dickerson,  
Eyster,  
Fry,  
Groves,  
Hill,  
Mahon,  
Mann,

**NAYS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—16

So it was determined in the negative.

A motion was made, by Mr. Duncan and Mr. Dewart, to amend the preamble, in the line by inserting after the word "*practice*," these words: "*of Simon Snyder, one of the Governors of this commonwealth*;"

Which was not agreed to.

A motion was then made, by Mr. Hubley and Mr. Duncan, to amend said preamble, in the line by inserting after "*Governor*," the word "*Findlay*;"

Which was not agreed to.

A motion was made, by Mr. Herrington and Mr. Dickerson, to amend the preamble in the line by striking out these words: "*think proper*;"

Which was not agreed to. And

On the question,

Will the Senate agree to the preamble?

The yeas and nays were required, by Mr. Duncan and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Dewart,  
Dickerson,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,  
Mann,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—17

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Duncan,  
Eyster,  
Feger,

**NAYS.**

Messrs. Henderson,  
Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

The title being under consideration,

A motion was made by Mr. Duncan and Mr. Hubley, to amend

the same, by adding to the end thereof, these words: "*and for other purposes*."

Whereupon,

The yeas and nays were required, by Mr. Dickerson and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Coleman,  
Duncan,  
Feger,  
Henderson.

**NAYS.**

Messrs. Allshouse,  
Dewart,  
Dickerson,  
Eyster,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,  
Mann,

**YEAS.**

Messrs. Hubley,  
W. R. Smith,  
Wurts.—7.

**NAYS.**

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—19.

So it was determined in the negative.

And the title was then agreed to; and

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow:

"A supplement to an act supplementary to "An act laying a tax on dogs in certain counties and for other purposes."

"An act declaring the streets, lanes, and alleys, in the town of Danville, in Columbia county, public highways."

"A further supplement to an act entitled "An act to incorporate the district of Spring Garden."

"An act appropriating certain taxes, arising on unseated lands, for the improvement of certain state roads."

"A further supplement to an act entitled "An act for the improvement of the state."

Which were read the first time.

He also returned the bill entitled "An act authorising the incorporation of a company for the making of a turnpike road, from the south end of the Monongahela bridge, opposite the city of Pittsburgh, to the top of Coal Hill, in a direction towards Brownsville;"

And informed that the House of Representatives have passed the same, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill No. 112, entitled "An act authorising the election of an additional constable, in the township of Donegal, in the county of Washington; and in the township of Providence, in the county of Bedford."



And after some time, the committee rose, and reported said bill with amendments.

On motion of Mr. Hill and Mr. Orr,

The Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 110, entitled "A supplement to an act entitled "An act directing the formation of a map of Pennsylvania, passed nineteenth March, one thousand eight hundred and sixteen."

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Hill and Mr. Allshouse, said bill was read a second time;

And the sections and title were severly considered and agreed to.

On motion of Mr. Hill and Mr. Markley, the rule which prevents the reading of bills twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 117, entitled "An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Hubley and Mr. Dewart, said bill was read a second time, and the sections and title were severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

Adjourned until 10 o'clock, to-morrow morning.

## Wednesday, February 12, 1823.

Mr. Groves presented a petition from sundry citizens of the Commonwealth, praying that a charter may be granted to the Schuylkill Coal Company.

Which was read and laid on the table.

Mr. Wurts presented three petitions of similar tenor, from sundry citizens of the Commonwealth, relative to the Chesapeake and Delaware canal.

Which were read and referred to the committee on roads, bridges and inland navigation.

Mr. Hill presented two petitions of similar tenor, from sundry citizens of Greene county, praying that Monongahela township

may be made a separate election district, and the elections held at the house of William Markell, in Greensburg,

Which was read and referred to the committee on election districts.

Mr. Hill presented a petition from sundry citizens of the counties of Greene and Fayette, praying the Legislature to establish the rates of ferriage, to be received at the ferry at Greensburg and New Geneva, and to compel the owners thereof to keep sufficient craft.

Which was read and referred to Messrs. Hill, St. Clair and Dewart.

Mr. Dickerson, from the committee to whom had been referred, on the 10th instant, a petition on the subject, on leave given, reported a bill, No. 138, entitled "An act authorising the loan of a sum of money to Benjamin Stewart, of Washington county, to aid him in the establishment of a salt manufactory."

Mr. Hill, from the committee to whom had been referred, an item of unfinished business, on the subject, reported a bill, No. 139, entitled "An act providing for the appointment of an Auditor General, a Secretary of the Land Office, a Surveyor General and an Attorney General."

And said bills were read the first time.

Mr. Henderson from the committee to compare bills and present them to the Governor, for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor for his approbation, the bills entitled as follow, to wit:

"An act authorising a review of part of the state road from Carlisle through Newville and Roxbury, to the Barnt Cabins."

"An act authorising the township of Roxborough, in the county of Philadelphia, to apply the money arising from the tax on dogs, in said township, to the support of the poor."

"An act authorising Walter Oliver to make sale of certain lands, in Mercer county, the property of Eleanor Junkin, a minor."

"An act to incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster."

"An act authoring a review of the road from the city of Pittsburg to Mercer."

"A supplement to the act entitled "An act to incorporate an Academy or Public School, in the town of Franklin, and for other purposes."

*Ordered* to lie on the table.

The bill, No. 117, from the House of Representatives, entitled "An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers," was read a third time and passed.

The bill, No. 111, from the House of Representatives, entitled "An act directing the payment of certain debts therein specified," was read a third time; and

On the question,  
Shall said bill pass?

The yeas and nays were required by Mr. Duncan and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse  
Dewart,  
Dickerson,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Duncan,  
Feger,  
Henderson,

**YEAS.**

Messrs. Mann,  
Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker—19.

**NAYS.**

Messrs. Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—9.

So it was determined in the affirmative.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, the former without and the latter with amendments, in which the concurrence of that House is requested.

The bill, No. 112, entitled "An act authorising the election of an additional constable in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford," was read a second time, as reported by a committee of the whole yesterday.

The sections and title were severally considered and agreed to.

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Groves and Mr. Power, the Senate proceeded to the second reading and consideration of bill, No. 16, from the House of Representatives, entitled "An act to incorporate the Musical Fund Society of Philadelphia," as reported by a committee of the whole, on the 20th December last.

Section 1, being under consideration,

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Allshouse and Mr. St. Clair, and are as follow, to wit:

**YEAS.**

Messrs. Duncan,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Herrington,  
Hill,  
Hubley,

**YEAS.**

Messrs. Mahon,  
Markley,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts.—15.

**YAYS.**

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Feger,  
Henderson,

**NAYS.**

Messrs. Mann,  
Orr,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker. 12

So it was determined in the affirmative.

Sections 2 and 3 were considered and agreed to.

Section 4, being under consideration,

A motion was made by Mr. Groves and Mr. Duncan to amend the same, in the 9th line, by striking out the manuscript amendment in these words: "*next and on the same day annually thereafter;*" and in the 8th line, to insert after "at" these words, "*an annual.*"

Which was agreed to.

A motion was then made by Mr. Wurts and Mr. Groves, further to amend said section, in the 11th line, by inserting after the word "be" these words: "*and it shall be the duty of the secretary to give public notice of the time and place of holding said elections.*"

Which was agreed to; and

The sect on as amended, was then agreed to.

Sections 5, 6 and 7, were severally considered and agreed to

Section 8, being under consideration,

A motion was made by Mr. Hubley and Mr. Feger, to amend the same, by striking out of the 4th line, these words: "*repeal this act,*" and insert in lieu thereof, these words: "*revoke and annul or alter them, or any of them, at any time they may think proper.*"

Which was not agreed to.

On the question,

Will the Senate agree to the section?

It was determined in the negative.

The title was then agreed to.

On the question,

Shall said bill be prepared for a third reading?

The yeas and nays were required by Mr. R. Smith and Mr. Dewart, and are as follow, to wit:

**YEAS.**

Messrs. Duncan,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Herrington,  
Hill,

**YEAS.**

Messrs. Mahon,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts—13.

*YAYS.*

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Feger,  
Henderson,  
Hubley,

*YAYS.*

Messrs. Mann,  
Markley,  
Orr,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—15.

So it was determined in the negative.

A motion was made by Mr. Hill and Mr. Winter, that when Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon, for the purpose of considering bill, No. 60, entitled "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight."

Mr. Hubley called for a division of the question, to end with the adjournment.

On the question,

Will the Senate agree so to adjourn?

It was determined in the negative.

The Speaker laid before the Senate, a letter accompanied with documents, from the Secretary of the Commonwealth, which were read as follow:

*To the Senate of the Commonwealth of Pennsylvania.*

GENTLEMEN: In obedience to a resolution of Senate, of yesterday's date, requiring the Secretary of the Commonwealth, "to transmit to Senate, all such information as may have been transmitted to him, pursuant to a resolution of the Senate, dated January 23d, 1822, "relative to services rendered, money advanced, or expenses incurred, in the late war which had not been paid for, or reimbursed, or any other equitable claim against the government, for carrying into effect any military order, during the said war," I have the honor to transmit herewith, all the communications received at this department, in relation to the foregoing subject, which are as follow, to wit:

From Thomas Cadwallader, Brigadier General, 1st Brigade, 1st Division, P. M.

Lieut. Colonel Andrew Pravost, of the said Brigade.

Jeremiah Mosher, Inspector of the 1st Brigade, 4th Division, covering claims of sundry persons of said brigade.

James Calwell, Brigadier General, 1st Brig. 4th Division.

Joseph Wilt, Brigade Inspector, 2d do. 7th do.

John Baldy, 1st do. 8th do.

Ephraim B. Gerould, 2d do. 9th do.

William R. Smite, Brigadier Gen. 1st do. 10th do.

George Dearth, Brigade Inspector, 2d do. 13th do.

Henry W. Beeson, Brigadier Gen. 2d do. 15th do.

From Benjamin Anderson, Brig. Inspector, 1st Brig. 14th Div.  
 Lot Lantz, do. do. 2d do. 14th do.  
 accompanied by claims of sundry persons of said brigade.  
 Thomas Johnston, Brigade Inspector, 2d Brig. 15th Div.  
 Documents from the 1st Brigade, 5th Division, addressed to  
 Colonel Kees Hill.

Claims of sundry persons of the 2d Brigade, 18th Division.

I have the honor to be, Gentlemen,

Very respectfully, your obedient servant,

ANDREW GRAGG, *Secretary.*

*Department of State,*

Secretary's Office, February 12, 1823.

Laid on the table.

On motion of Mr. Hill and Mr. Orr,

*Ordered,* That said letter and documents be referred to Messrs. Hill, Coleman, Eichelberger, W. R. Smith and Power, with leave to report by bill or otherwise.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on bill, No. 76, entitled "A supplement to the act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

And, after some time, the committee rose and reported said bill, without amendment.

Adjourned until 10 o'clock, to-morrow morning.

## Thursday, February 13, 1823.

Mr. Eichelberger obtained leave of absence for Mr. Eyster, for a few days.

Mr. Feger presented five petitions of similar tenor, from sundry citizens of Berks county, praying to be authorised, by law, to erect a poor house in said county.

Which were read and laid on the table.

Mr. Fry presented a petition from sundry citizens of Lehigh county, praying that commissioners may be appointed, to lay out a state road, from Wilkesbarre, in Luzerne county, to Northampton, in the county of Lehigh.

Mr. Groves presented three petitions of similar tenor, relative to the Chesapeake and Delaware canal.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Wurta presented a memorial from sundry members of the Philadelphia Bar, praying such a modification of the law establishing the district court, for the city and county of Philadelphia, as will allow any one of the judges to hold the court for the trial of issues in fact;

And said petition was read and referred to the committee on the judiciary system.

Mr. Coleman presented a petition from sundry inhabitants of the borough of Columbia, in Lancaster county, praying that the act of incorporation granted to the old Columbia Water Company, passed the thirty-first day of March, one thousand eight hundred and twenty-one, may be repealed.

Mr. Coleman also presented a petition, from sundry citizens of the borough of Columbia, praying that a company may be incorporated, for the purpose of introducing running water into said borough.

And said petitions were read and referred to Messrs. Coleman, Shulze and Cadwallader.

Mr. Markley from the committee on the judiciary system, to whom had been referred a resolution on the subject, reported a bill, No. 140, entitled "An act relative to mortgages;"

Which was read the first time.

The bill, No. 112, entitled "An act authorising the election of an additional constable, in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford,"

Was read a third time and passed.

*Ordered*, That the Clerk present said bill to the House of Representatives for concurrence.

A motion was made by Mr. Markley and Mr. St. Clair, that Senate reconsider the vote given to prepare bill, No. 16, entitled "An act to incorporate the "Musical Fund Society of Philadelphia:"

Whereupon,

The yeas and nays were required, by Mr. Dickerson and Mr. Markley, and are as follow, to wit:

#### YEAS.

Messrs. Duncan,  
Eichelberger,  
Fry,  
Groves,  
Henderson,  
Herrington,  
Hill,  
Hubley,

#### NAYS.

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Dickerson,  
Feger,

#### YEAS.

Messrs. Mahon,  
Markley,  
Power,  
Robertson,  
Shulze,  
W. H. Smith,  
St. Clair,  
Wurts.—16.

#### NAYS.

Messrs. Mann,  
Orr,  
R. Smith,  
Winter,  
Marks, speaker —10

So it was determined in the affirmative.

The question recurring,

Shall said bill be prepared for a third reading?

A motion was made by Mr. Groves and Mr. Power, to postpone the further consideration of the same for the present.

Which was not agreed to And

On the question,

Shall said bill be prepared for a third reading?

The yeas and nays were required, by Mr. Allshouse and Mr. Shulze, and are as follow, to wit:

**YEAS.**

Messrs. Duncan,  
Eichelberger,  
Fry,  
Groves,  
Henderson,  
Herrington,  
Hill,

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Dickerson,  
Feger,  
Hubley,

**YEAS.**

Messrs. Mahon,  
Markley,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts.—14.

**NAYS.**

Messrs. Mann,  
Orr,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—12.

So it was determined in the affirmative.

A motion was made by Mr. Hubley and Mr. Dewart, that the Senate proceed to the second reading and consideration of the resolution relative to adjournment on the 11th March next;

Which was not agreed to

The bill, No. 76, entitled "A supplement to the act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster," was read a second time, as reported by a committee of the whole yesterday.

The sections 1 to 4, inclusive, were severally considered and agreed to.

Section 5, being under consideration,

A motion was made by Mr. Markley and Mr. Coleman, to postpone the same for the present, for the purpose of introducing the following, to be called section 5:

"And be it further enacted by the authority aforesaid, that the Governor shall be and he is hereby required, on the twenty-seventh day of March, in the year of our Lord, one thousand eight hundred and twenty-four, or immediately thereafter, appoint the president of the said district court, who shall receive a yearly compensation of sixteen hundred dollars; which shall be payable quarterly, out of the state Treasury."

Which was agreed to.

Section 5, now 6, together with the title, were severally considered and agreed to.

*Ordered,* That said bill be transcribed for a third reading.



Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 128, entitled "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of overseers and supervisors in said township."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Monday, the 17th instant.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendment by the Senate, to the bill entitled "An act directing the payment of certain debts therein specified," with amendments, in which the concurrence of the Senate is requested.

Which were read the first time.

On motion of Mr. Mann and Mr. R. Smith, said amendments were read a second time, considered and concurred in.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 135, from the House of Representatives, entitled "An act declaring the streets, lanes and alleys, in the town of Danville, in Columbia county, public highways."

And after some time, the committee rose and reported said bill with amendments.

On motion of Mr. Coleman and Mr. Henderson, the Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill, No. 85, from the House of Representatives, entitled "An act for the relief of Jacob Sigler, a revolutionary soldier."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Eichelberger and Mr. Hubley, said bill was read a second time; and

The section and title were severally considered and agreed to.

*Ordered*, That it be prepared for a third reading.

On motion of Mr. Herrington and Mr. Robertson, the Senate resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill, No. 114, entitled "An act reducing the number of managers of the turnpike companies, between Pittsburg and Meadville."

And after some time, the committee rose and reported said bill with amendments.

Adjourned until 10 o'clock, to-morrow morning.

Friday, February 14, 1828.

Mr. Duncan presented two petitions of similar tenor, relative to the Chesapeake and Delaware canal.

Mr. Coleman presented a petition and documents from James Duffy, a contractor on the Hanover and Carlisle Turnpike Road, praying the Legislature to grant him the tolls on said road, until his claim shall be liquidated.

Mr. Mahon presented a petition from Andrew Robb, of Cumberland county, a contractor on the Harrisburg, Carlisle and Chambersburg Turnpike Road, praying the Legislature to interfere and compel the managers to liquidate his claim.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. St. Clair presented a petition and remonstrance, from a number of the inhabitants of Saltlick, Bullsken and Connelville townships, in the county of Fayette, against the passage of a law authorising the laying out a state road, from William Steen's tavern, on the turnpike road, leading from Bedford to Washington, to intersect the state road from Connelville to Berlin, at or near the 36 mile post, and praying the Legislature to authorise the laying out a state road, from said Steen's tavern to Connelville;

Which was read and laid on the table.

Mr. St. Clair obtained leave to withdraw from the files of the Senate of 1817-'18, the petition and documents of Benjamin Wells.

The Secretary of the Commonwealth being introduced, presented two messages from the Governor, accompanied with documents, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return the same to the House of Representatives, in which they originated, to wit:

"An act authorising Walter Oliver to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor."

"An act authorising a review of part of the state road from Carlisle, through Newville and Roxbury to the Burnt Cabins."

"A supplement to the act entitled 'An act to incorporate an Academy or Public School, in the town of Franklin, and for other purposes.'"

"An act authorising the township of Roxborough, in the county of Philadelphia, to apply the money arising from the tax on dogs, in said township, to the support of the poor."

"An act authorising a review of the road from the city of Pittsburgh to Mercer."

"An act to incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster."

JOSEPH HIESTER.

*Harrisburg, February 13, 1823,*

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: By a resolution of the General Assembly, passed on the 7th of March, 1821, the Governor was directed "to cause to be delivered to any officer or agent, properly authorised to receive the same, any arms or other property of the United States, which may have come into the possession of this state, in the late war with Great Britain, on application being made therefor, by such agent or officer." No application has been made to me, by any person under the authority of the general government, for any of its property of any description; but a letter was received some time since, from Col. Carr, Adjutant General of the militia of this state, covering a communication to him from Col. Bomford, of the ordnance department, proposing a settlement of accounts between the state and the United States, on certain principles therein stated. This was accompanied by a letter from Lieut. Martin Thomas, of the United States army, informing me of his having been appointed an agent, on the part of the general government, for the settlement of the account; and of his being ready to proceed to the execution of that trust, as soon as an agent should be appointed to attend to it on the part of the state. As the quota of arms to which the state is entitled under the act of Congress for arming the whole body of the militia, will form an item in this settlement; and as by the present militia law, it is made the duty of the Adjutant General, under the direction of the Governor, to attend to that business, I deferred taking any steps in it, until I could have an opportunity of seeing him.

As the resolution alluded to, did not appear to me to warrant the appointment of such an agent, and not knowing any act of assembly authorising the exercise of such power, I have thought proper to submit the business, with all the communications I have received on the subject, to the consideration of the Legislature.

JOSEPH HIESTER..

*February 14, 1823.*

ADJUTANT GENERAL'S OFFICE,

*Philadelphia, November 28, 1822.*

SIR: I have the honor to enclose a letter from Colonel Bomford, of the United States ordnance department, relative to the settlement of the accounts for arms and other military stores, which passed between the United States, and the states of Pennsylvania, during the late war. This communication was sent to me in answer to my application to the Secretary of War, for permission to

exchange the bad rifles and muskets received from the United States. But as it embraces the accounts heretofore, I believe, directed to be settled by the Auditor General, I have enclosed the letter to you, for such disposition as it may require.

It has been detained by me, several days, for the purpose of shewing Lieutenant Thomas, who has charge of the United States Arsenal, near Philadelphia, that clause in it, which directs me to return the arms to the United States Arsenal; but he objects to re-receiving them, until the principles of settlement proposed by the ordnance department shall be recognized by the State Executive:

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

ROBERT CARR,

*Adjutant General, Pennsylvania Militia.*

His Excellency, JOSEPH HIRSTER,

Governor of the Commonwealth of Pennsylvania.

#### ORDNANCE DEPARTMENT,

*Washington, November 18, 1822.*

SIR: I have the honor to inform you, that this department is now prepared to proceed to the investigation of the accounts, for arms and other military stores, which passed between the United States, and the state of Pennsylvania during the late war. Lieut. Martin Thomas, has been furnished with all the necessary documents; and is instructed to investigate and state the account, on the part of the United States, in conjunction with yourself, or any other person who may be authorised on the part of the state.

The principles which have been adopted in the settlement of similar accounts with other states, and which should govern in the present case, are as follow, to wit:

The state should be charged with all arms, accoutrements and camp equipage, issued by the United States.

1st. To the executive authority of the state.

2d. To the militia of the state, when in the service of the United States, and which were not returned to the United States, but turned into the state arsenals, or delivered to state officers. The number so turned in, or delivered only, to be charged.

3d. To the militia of the state, when not in the service of the United States. Satisfactory vouchers, for charges made under either of the foregoing heads, to be produced by the United States.

The state to be credited with all arms, ammunition and camp equipage, issued by the state.

1. To troops of the regular army of the United States, or to volunteers in the service of the United States, and who were entitled to retain their arms, when discharged.

2d. To militia in the service of the United States, and which were not returned to the state, but which were turned into the United States arsenals, or delivered to United States officers, or

which were captured or destroyed by the enemy while said militia were in the service of the United States. The number so turned in, delivered or captured only, to be credited.

Sd. For arms, &c. returned to the arsenals, or delivered to officers of the United States, by the militia of the state, which were not in the service of the United States, the state will be credited.

4th. The state will also be credited, with the quota of arms assigned to it, on the 1st of January, 1816, under the law of 1808, for arming and equipping the militia.

The state will produce satisfactory vouchers for all credits claimed by it.

For ammunition, the state will be charged, with such as has been issued by the United States to the executive authority of the state, or to its militia, and by said militia turned into the arsenals of the state. The state will be credited with such of the above ammunition as has been returned to the United States, or for any purchased by the state and delivered by it to troops in the service of the United States, whether regulars or militia, or turned into United States arsenals: The necessary evidence to be produced by the party claiming the credit, or making the charge.

The quota of arms assigned to Pennsylvania, from the period prior to 1816, is 8,529 stands, which number will be admitted to its credit in the general account.

In stating the accounts under the foregoing principles, it is expected, that each party will prepare an abstract of the several articles for which it claims a credit. This abstract should specify the articles in detail, the dates of issue, the names of the persons who issued and who received the property, and the name of the places where the transactions occurred: The whole to be sustained by satisfactory vouchers. When these abstracts are examined and admitted, by the respective agents, they will state a general account, and strike a balance on either side, as the case may be. These balances, when approved by the executive authorities of the state and United States, will be repaid in articles of like kind, as far as practicable; and where impracticable, the balances will be carried to the account of arms, apportioned under the law of 1808, from the period subsequent to January, 1816, and will be charged at their value.

The settlement now contemplated, should embrace every description of arms, and military stores, which passed from the United States, to the state of Pennsylvania, and vice versa, during the late war, or at any time anterior to the first January, 1816. The balances stated will have reference to that date, and will not include any debits or credits under the law of 1808, for the period subsequent to that date.

The kind of vouchers, which will be satisfactory, cannot be accurately described. The regular requisitions and receipts, should however, be produced in all cases where it is practicable to obtain them, and in the absence of these, the best evidence the nature of the case will admit of, should be produced, and if satisfactory, will be admitted.

The muskets and rifles, mentioned in your letter of the 6th of August last, may be returned to the United States, upon their delivery at the United States arsenal, the state will receive a credit for the number so delivered. This arrangement, if it be made at all, should precede the general statement, and should be included in it.

The number of arms which may be apportioned to Pennsylvania, under the law of 1808, from the year 1816 to 1821 inclusive, cannot be now accurately ascertained. But an estimate, founded upon such militia returns as have been received, makes the number about 11,800 stands, of which the state received in February 1820, artillery and arms equivalent to 3,484 stands, leaving yet due to the state, for this period, about 8,300.

It is desirable that these accounts should be settled as early as practicable; and this department will afford every facility in its power, to bring them to an immediate and final close; and upon equitable and liberal principles.

If you should not consider yourself authorised to take up the business on the part of the state, I have to request that you will place this communication in the hands of the Governor, for such order in the case as he may deem necessary.

I have the honor to be,

Very respectfully,

Your most obedient,

GEO. BOMFORD,

*Lieut. Colonel on Ordnance duty.*

Col. ROBERT CARR, Adjutant General,  
Pennsylvania Militia, Philadelphia.

UNITED STATES ARSENAL,

*Frankford, November 13, 1822,*

SIR: I have received instructions from the U. S. Ordnance Department, to settle the account of arms and munitions of war which has arisen between the United States and the state of Pennsylvania.

I am ready to enter upon this business, with such person as may be designated by the Executive of the state.

I enclose herewith an abstract, &c. forwarded some time since, by G. Bryan, Esq. to the Sd Auditor of the U. S. Treasury, and by him transferred to the Ordnance Department; of military property charged by the state of Pennsylvania, against the United States. These papers have not been finally acted upon; and as all accounts of this nature will be embraced in the contemplated settlement, it is deemed correct to return them to the state.

I have the honor to be

Very respectfully, sir, your obedient,

M. THOMAS, Jr.

*Lieut. U. S. A.*

His Excellency, JOSEPH HIESTER, Esq.  
Governor of Pennsylvania.

On motion of Mr. Dickerson and Mr. Allshouse, the documents accompanying the message, were referred to the committee on the militia system.

Mr. Markley, from the committee on the judiciary system, to whom had been referred petitions on the subject reported a bill, No. 141, entitled "An act to authorise John Harrison and George Seltzer to sell and convey certain real estate therein mentioned."

Mr. Dickerson, from the committee on claims, to whom had been referred petitions on the subject, reported a bill, No. 142, entitled "An act for the relief of George Clark and Wilhelm Machemer soldiers of the revolutionary war."

Mr. Hill read in his place, and, on leave given, presented to the chair, a bill, No. 143, entitled "An act to prevent religious oppression."

And said bills were read the first time.

Mr. Winter from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives they have compared and this day presented to the Governor, for his approbation, the following bills:

"An act directing the payment of certain debts therein specified."

"An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers."

"A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning."

"An act authorising the incorporation of a company for the making of a turnpike road from the south end of the Monongahela Bridge, opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville."

Laid on the table.

The bill, No. 76, entitled "A supplement to an act entitled "An act to provide for the erection of an additional court, within the city and county of Lancaster," was read a third time, and passed.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 85, from the House of Representatives, entitled "An act for the relief of Jacob Sigler, a revolutionary soldier," was read a third time and passed.

The bill, No. 16, from the House of Representatives entitled "An act to incorporate the "Musical Fund Society of Philadelphia," was read a third time; and

On the question,

Shall said bill pass?

The yeas and nays were required, by Mr. R. Smith and Mr. Dewart, and are as follow, to wit:

**YEAS.**

Messrs. Duncan,  
Eichelberger,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Dickerson,  
Feger,  
Hubley,

**YEAS.**

Messrs. Markley,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts.—13.

**NAYS.**

Messrs. Mann,  
Orr,  
R. Smith,  
Winter,  
Marks, speaker.—11.

So it was determined in the affirmative.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same; the former without and the latter with amendments, in which the concurrence of that house is requested.

On motion of Mr. Orr and Mr. Hill, the following resolution was twice read, considered and adopted, to wit:

*Resolved*, That the committee on roads and inland navigation be instructed to inquire into the expediency of reporting a bill, requiring that all state or county roads, hereafter laid out, shall not exceed an elevation or depression of five degrees, from a horizontal line; unless specially directed by the court so to do; and that the court shall not have power to authorize the laying out of any road at an elevation exceeding seven degrees."

The bill, No. 135, from the House of Representatives, entitled "An act declaring the streets, lanes and alleys, in the town of Danville, in Columbia county, public highways," was read a second time, as reported by a committee of the whole yesterday.

The 1st and only section being under consideration, a motion was made by Mr. Dewart and Mr. Duncan, to amend the same, by adding to the end of the 4th line, the word "*hereby*," which was agreed to.

A motion was made by Mr. R. Smith and Mr. Fry, farther to amend the section, by striking out of the 4th line, these words: "*lanes and alleys*" which was not agreed to.

The section and title were then severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 114, entitled "An act reducing the number of managers of the turnpike companies, between Pittsburg and Meadville," was read a second time, as reported by a committee of the whole yesterday.



The sections and title were severally considered and agreed to. And

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Wurts and Mr. Cadwallader, the Senate resumed the second reading and consideration of bill No. 81, postponed for the present on the 7th instant, entitled "An act for the relief of Reuben Winslow."

The section and title were severally considered and agreed to.

*Ordered*. That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 126, from the House of Representatives, entitled "An act authorising the court of common pleas of the county of Franklin, to do certain things therein mentioned."

And after some time the committee rose and reported the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill No. 116, from the House of Representatives, entitled "An act for the relief of John Blake and Joseph Dearman."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday the 17th instant.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 118, from the House of Representatives, entitled "An act erecting Connelville, in Fayette county, into a separate election district, and for other purposes."

And after some time, the committee rose, reported progress and obtained leave to sit again on the 21st instant.

The speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

*To the Senate of the Commonwealth of Pennsylvania.*

GENTLEMEN: In obedience to a resolution of the Senate, passed on the 29th of January, 1823, "requiring the Secretary of the Commonwealth to furnish the Senate with such information as he may be in possession of, and the books, records and minutes of his office contain, relative to the appointment of the officers of the Land Office, and all other heads of departments; also, registers, recorders, prothonotaries, clerks of the several courts, &c. under the proprietary government, and also under the state government, previous to the passage of the declaratory act of 1785, and thence to the adoption of the amendments of the constitution of 1790," I have now the honor of submitting the following statements, extracted from the records of this office, and so far as they relate to appointments under the proprietary government, from the records of the late roll's office, now lodged in the office of the Secretary of the Land Office. It is presumed the object of the resolution is not to obtain a list of all appointments to office during the different periods to which it refers, but to ascertain by whom, and under

what authority they were made, and the condition on which the tenure of their respective offices was suspended.

By the charter of King Charles to William Penn, "full power and authority was given to him, his heirs, and to his and their deputies and lieutenants, to appoint and establish any judges, justices, magistrates and other officers whatsoever." Under this authority Mr. Penn, exercising in his own person the office of Governor from his arrival in the province, in 1682, until his departure for England, in 1684, appointed all officers which were considered necessary and proper for the administration of the government. By virtue of the power derived to him from the charter, on his departure for England, he granted a commission to the provincial council, of which Thomas Lloyd was president, to act in his stead. During the whole period, and through all the changes of the provincial administration, all ministerial commissions, whether granted by the proprietor, or by his deputies, as far as I have been able to discover, appear to have been made revocable at the pleasure of the grantor.

Thomas Holme was appointed Surveyor General, on the 18th of April, 1682; and by his commission, was to hold his office, "during his natural life, if he should so long behave himself honestly and faithfully." Edward Pennington, his successor, was appointed on the 25th of April, 1698; his commission "to continue in force until his, the Governor's, farther order." This office was continued by a regular succession of appointments, until the termination of the provincial or proprietary government. At that time it was in the possession of John Lukens, who, in the words of his commission, was to hold it, "until our further pleasure shall be known therein."

On the 25th of September, 1689, John Blackwell was appointed Receiver General, 'so long (as it is expressed in the commission) as I shall see convenient.' It appears that Mr. Blackwell's commission was not limited to the receiving of money on account of land, but extended to all moneys, accruing to the proprietary, arising from rents, issues, fines, debts and all his other sources of revenue whatsoever. He was succeeded by James Logan, who was commissioned on the 29th of October, 1701; "commission to continue until further orders." This office passed through a regular succession of incumbents, until its duties were suspended by the commencement of the revolutionary war. The commissions are all expressed in nearly the same terms. The commission of Edward Physick, who was the last incumbent under the proprietary government, was "to continue in force only during our pleasure, and until the same be farther known herein."

In the early transactions of the government, in relation to the management of its land concerns, I can't discover that any person was specially designated as secretary for that department. It appears that William Penn, previous to his departure for England, in 1684, granted a commission to Thomas Lloyd, James Claypole and Robert Turner, by which they were empowered to sign patents and grant warrants for land." In the records, this is called a

commission of property, and appears to have embraced what was afterwards made the distinct duty of the Secretary of the Land Office, and such cases as were subsequently made cognizable by the board of property. This commission was held, on the 28th of October 1701, by Edward Shippen, Griffith Owen, Thomas Story and James Logan, "to continue in force until his (the Governor's) pleasure shall be known." Richard Peters appears to be the first who was singly and specially commissioned as Secretary of the Land Office. His commission is dated on the 14th of April, 1759, "to be in force during our personal pleasure, and until our personal pleasure shall be farther declared herein." He was succeeded by William Peters, and James Tilghman became his successor, who held the office from the 7th of April, 1767, until its duties were suspended by the war of the revolution. The pleasure of the grantor is made the condition of the tenure of office in all the appointments.

Thomas Lloyd was appointed master of rolls, on the 24th of December, 1683, "so long as he would behave himself well."

John Blackwell, was appointed Register General, on the 25th of September, 1689, to hold the office, as is expressed in the commission, "so long as I shall see convenient."

Thomas Story was commissioned keeper of the great seal and master of rolls, on the 27th of October, 1701. Commission in the usual form.

On the 16th of February, 1685, Samuel Hersent was appointed to prosecute all offenders against the penal laws of the province. This is the first appointment I have discovered bearing any affinity to that of Attorney General. No record of his commission can be found in this office. But it appears, that his commission ceased on the 26th of October, 1686; for on that day, David Lloyd was commissioned Attorney General. There is reason to believe, that in the distribution of the books belonging to the roll's office, the one containing the record of these commissions was assigned to the recorder's office, in the city and county of Philadelphia.

The counties of Philadelphia, Chester and Bucks, were organized in 1682, soon after the arrival of the proprietary; but I have not discovered the record of the commissions of any prothonotaries or clerks of courts, prior to that of Thomas Cookson, who was commissioned prothonotary of Lancaster county, on the 24th of July, 1741. By the terms of his commission, he was to hold, exercise and enjoy it, "until the farther pleasure of the Governor shall be made known therein." William Parsons was commissioned prothonotary and recorder of Northampton county, on the 5th of May, 1752. The duration of both commissions as is therein expressed, being "until our farther pleasure shall be made known therein."

By the 3d paragraph of the 3d section of the charter of privileges, granted by William Penn, to the inhabitants of Pennsylvania and territories, the justices of the peace were authorised to nominate and present to the Governor, three persons to serve for clerk of the peace for the respective counties, one of which should

be commissioned by the Governor, within ten days after such presentment, or else the first nominated to serve "during good behaviour."

It is provided by the 15th section of an act of assembly, passed on the 22d day of May, 1722, "that there shall be a fit person nominated by the judges and commissioned by the Governor, to be prothonotary or clerk of the supreme court."

By an act of Assembly, passed on the 21st of September, 1756, there appears a partial departure from the general power of appointment to office, as excised by the proprietary and deputies. The 20th section of that act provides for and actually appoints collectors of excise within the city and county of Philadelphia, and also in all the other counties of the state.

All these appointments were formally abolished by an act of assembly, passed on the 28th of January, 1777, declaring that all persons who had been appointed to any public office or offices, under the proprietary government, should no longer be officers in the several and respective offices to which they had been appointed.

By the 9th section of the constitution of 1776, the assembly was vested with power to choose their speaker, the treasurer of the state, and their other officers. By the 34th section of that instrument, it was provided, that the registers for the probate of wills and granting letters of administration, and recorders of deeds, should be appointed by the general assembly, and commissioned by the president and council. By the 20th section of that constitution, the president, and in his absence, the vice president and council, was authorised to appoint and commissionate judges, naval officers, judges of admiralty, and all other officers (civil and military) except such as are chosen by the general assembly or the people.

The assembly, in virtue of their constitutional power, proceeded by an act passed on the 14th of March, 1777, to appoint registers and recorders for the several counties, and directed the officers so appointed to be commissioned agreeably to the provisions of the constitution. This office does not furnish any record of these commissions; but on examining county records, as far as I have had an opportunity, they were to continue "until legally revoked."

On the 12th of March, 1777, the president and council commenced the appointment of prothonotaries, clerks of the sessions and orphans' courts, and proceeded until every county was provided for. The commissions of these officers, like those of the registers and recorders, were to continue "until legally revoked."

On the 20th of July, 1777, Jonathan D. Serjeant was appointed attorney general, by the council; and on the 1st of September 1778, Edward Burd was, by the council, appointed prothonotary of the supreme court. There is no record in this office of the commissions granted to either of these officers, the book in which they are recorded, it is presumed, is lodged in the office of the recorder in the city and county of Philadelphia. So far as respects these appointments, there does not appear to have been any collision between the council and assembly.

By an act passed on the 17th of March, 1777, entitled "An act to regulate the militia of the Commonwealth," the power of nominating lieutenants and sub-lieutenants, was assigned to the assembly.

On the 9th of April, 1781, an act was passed for the establishment of a land office, to consist of three persons, to be called or known by the names of the secretary of the land office, receiver general and surveyor general; to be appointed by the general assembly, and to be commissioned by the president in council. "to hold their offices for five years, unless sooner removed by the freemen of this Commonwealth, in general assembly met." On the same day the act was passed, the assembly proceeded to elect persons to fill these several offices; and the result proved that John Lukens, was elected surveyor general, David Kennedy, secretary of the land office, and Francis Johnston, receiver general.

On the 14th day of April, 1782, an act was passed by the assembly, for methodizing the department of accounts, in the commonwealth; and that the person appointed to execute and perform the duties of the office should be designated by the name of the "comptroller general." By the same act, John Nicholson was appointed to be comptroller general "for the time being."

Other cases of appointments to offices by the assembly might be referred to, but those that are stated may be considered sufficient to shew that they were in the habit of exercising that power.

The council of censors, at their second session, which commenced on the 1st day of June, in 1784, having expressed their opinion that the power of appointing officers not expressly assigned to the general assembly, or to the people, by the constitution, and which had been exercised by the general assembly, was a deviation from the constitution, recommended to the legislature of the commonwealth, the repeal of all such laws or parts of laws as had been enacted contrary to the spirit of the constitution. In pursuance of this recommendation, the act of 1785, commonly called the declaratory act, was passed. By the 2d section of that act, the officers to be appointed by the assembly, were particularly designated; and the appointment of all others necessary for the execution of the laws, was declared to be vested in the supreme executive council, with the exception of such as were specially reserved to the people, or plainly directed by the constitution, to be otherwise chosen or appointed.

In conformity with the provisions of this act, the supreme executive council, on the 11th of April, 1785, proceeded to make a number of appointments for various offices, and among others, appoint John Nicholson to be comptroller general, and on the 21st of the same month, John Lukens was re-appointed surveyor general, Francis Johnston receiver general, and David Kennedy, secretary of the land office, for five years respectively, if not sooner removed, agreeably to law.

There is no evidence in this office, of any interference or clashing of the power of appointment, between the council and assembly, from that period until the adoption of the constitution of

1790, except in the case of John Donaldson, who was appointed register general, by an act of assembly, passed on the 25th of March, 1789.

I have the honor to be, Gentlemen,

With great respect, your most obedient servant,

ANDREW GREGG, *Secretary.*

*Department of State,*

Secretary's Office, February 13, 1823.

Laid on the table.

Adjourned until 10 o'clock, to-morrow morning.

## Saturday, February 15, 1823.

The Speaker laid before the Senate, letters and statements from the Cashiers of the Pennsylvania, Philadelphia and Farmers' and Mechanics' Banks, which were read as follow, to wit:

### BANK OF PENNSYLVANIA,

*February 16, 1823.*

SIR: I enclose for the use of the Senate, the statements of the concerns of this bank, required by the resolution of the 6th instant.

I am sir, most respectfully,

Your obedient servant,

E. CHAUNCEY, *Cashier.*

JOHN DE PUI, Esq.

Clerk of the Senate, Harrisburg, Penna.

*State of the Bank of Pennsylvania, November 2, 1822.*

### Dr.

To bills discounted,	-	-	-	\$2,959,720 09
United States six per cent. stock,	-	-	-	288,641 66
Six per cent. loan to Commonwealth Penna.	-	-	-	330,090 00
Five, ditto	-	-	-	500,000 00
Loans to corporation of Philadelphia,	-	-	-	35,000 00
Turnpike stock,	-	-	-	3,000 00
Real estate,	-	-	-	85,665 60
Due by other banks,	-	-	-	136,307 46
Notes of other banks,	-	-	-	163,151 52
Specie,	-	-	-	289,823 23

\$4,740,809 56

### Cr.

By capital stock,	-	-	-	\$2,5000 09
Notes in circulation,	-	-	-	715,392 71
Unclaimed dividends,	-	-	-	7,708 00

\$743,100 71

Amount brought forward,	\$784,180 71
Due to Commonwealth of Pennsylvania,	333,165 41
Other banks,	194,750 52
Individual depositors,	263,880 60
Discounts received,	39,604 68
Profit and loss,	186,807 69
	<hr/>
	\$4,740,809 56

E. CHAUNCEY, *Cashier.*

*State of the Bank of Pennsylvania, January 4, 1823.*

*Dr.*

To bills discounted,	\$2,881,523 25
United States six per cent. stock,	250,000 00
Six per cent. loan to Commonwealth of Penna.	330,000 00
Five, ditto	500,000 00
Loans to corporation of Philadelphia,	35,000 00
Turnpike stock,	3,000 00
Real estate,	85,520 10
Due by other banks,	152,582 93
Notes of other banks,	103,964 32
Specie,	306,090 19
	<hr/>
	\$4,647,680 79

*Cr.*

By capital stock,	2,500,000 00
Notes in circulation,	655,126 96
Unclaimed dividends,	82,427 00
Due to Commonwealth of Pennsylvania,	336,722 20
Other banks,	103,048 56
Individual depositors,	824,550 00
Discounts,	3,549 36
Profit and loss,	182,156 71
	<hr/>
	\$4,647,680 79

E. CHAUNCEY, *Cashier.*

The banking houses and lots in Philadelphia, Lancaster, Reading and Easton, cost \$283,638.05, which are not included in the above statement, as the amount has long since been paid out of the institution.

PHILADELPHIA BANK,

February, 12, 1823.

DEAR SIR: I have the pleasure to enclose statements of this Bank of 2d November, 1822, and 1st of January, 1823, in conformity with the resolution of the Senate of the 6th instant.

I have the honor to be,

Your obedient servant,

QUINTIN CAMPBELL, *Cashier.*

To the SPEAKER,

Of the Senate, Harrisburg.

# THE SENATE.

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*Philadelphia Bank, November 2, 1823.*

## Dr.

To amount of capital stock,	-	-	\$1,800,000 00
Notes in circulation,	-	-	324,049 00
Dividends unpaid,	-	-	11,216 00
Discounts received, from 1st October,	-	-	9,917 00
Sinking fund reserved to meet losses and to liquidate cost of charter,	-	-	210,577 00
Due Commonwealth of Pennsylvania,	-	-	35,261 00
Due to other banks,	-	-	34,735 00
Due to individual depositors,	-	-	364,204 00
			<u>\$2,789,983 00</u>

## CONTRA CR.

By amount of bills discounted, including \$539,200 outstanding at Washington, Wilkesbarre and Columbia,	-	-	\$1,652,387 00
Loans to the state,	-	-	450,000 00
Philadelphia Bank stock, turnpike and other public stocks,	-	-	218,707 00
Banking house and lot,	-	-	50,000 00
Other real estate, taken as security,	-	-	21,740 00
Cost of charter,	-	-	145,128 00
Expenses from 1st October,	-	-	2,860 00
Due from other banks,	-	-	28,867 00
Specie on hand,	-	\$110,906	
Notes of other banks,	-	109,390	
			<u>220,296</u>
			<u>\$2,789,983 00</u>

QUINTIN CAMPBELL, *Cashier.*

*February 12, 1823.*

*Philadelphia Bank, January 1, 1823.*

## Dr.

To amount of capital stock,	-	-	\$1,800,000 00
Notes in circulation,	-	-	314,255 00
Dividends unpaid,	-	-	10,707 00
Discounts received, from 1st October,	-	-	22,676 00
Sinking fund reserved to meet losses and liquidate cost of charter,	-	-	210,577 00
Due to Commonwealth of Pennsylvania,	-	-	34,512 00
Due to other banks,	-	-	59,297 00
Due to individual depositors,	-	-	365,850 00
			<u>\$2,817,974 00</u>



## CONTRA CR.

By amount of bills discounted, including \$338,400

outstanding at branches,	-	-	\$1,664,262 00
Loans to the state,	-	-	450,000 00
Philadelphia Bank stock, turnpike and other	-	-	
public stocks,	-	-	218,707 00
Banking house and lot,	-	-	50,000 00
Other real estate,	-	-	22,012 00
Cost of charter,	-	-	145,126 00
Expenses,	-	-	5,833 00
Due from other banks,	-	-	50,840 00
Specie on hand,	-	\$103,103	
Notes of other banks,	-	108,091	
			<u>211,194 00</u>
			<u>\$2,817,974 00</u>

Q. CAMPBELL, *Cashier.*

February 12, 1823.

FARMER'S AND MECHANICS BANK,

Philadelphia February 13, 1823.

SIR: In compliance with the resolution of the Senate of the sixth instant, I enclose exhibits of the state of this bank, on the first Monday in November, and on the first Monday of January last.

Respectfully,

Your obedient servant,

HENRY KUHL, *Cashier.*

JOHN DE PUI, Esq.

Clerk of the Senate.

THE FARMERS' AND MECHANICS' BANK,

Philadelphia, November 4, 1822.

DR.

To amount of capital,	-	-	\$1,250,000
of notes in circulation,	-	-	356,105
due to banks out of the city and liberties,	-	-	116,929
of dividends unpaid,	-	-	8,616
of deposits, including the contingent fund,	-	-	774,162
			<u>\$2,505,812</u>

CR.

By amount of bonds and notes discounted, outstanding, \$1,680,760

of United States six per cent. stock,	-	75,034
of Pennsylvania five per cent. stock,	-	146,140
of stock of this bank,	-	20,000
of turnpike, bridge, Union Canal and Schuyl-		
kill navigation stocks,	-	42,510
Banking house and lot,	49,286	
other real estate,	15,975	
		<u>63,261</u>

To amount due from banks in the city and Northern Liberties, 64,956			
due from other banks,	-	-	173,683
notes of ditto on hand,	-	-	60,871
			<hr/>
			234,534
of specie,	-	-	170,597
			<hr/>
			82,503,812
			<hr/>

A considerable amount of notes, lying over, unpaid; it is impossible to form a correct estimate of the contingent fund.

HENRY KUHL, *Cashier.*

THE FARMERS' AND MECHANICS' BANK,

*Philadelphia, January 6, 1823.*

To amount of capital,		-	-	-	81,250,000
of notes in circulation,	-	-	-	-	339,890
due to banks in the city,	-	-	-	-	20,050
due to other banks,	-	-	-	-	79,374
of dividends unpaid, including that payable					
on the 11th instant,	-	-	-	-	45,534
of deposits, including the contingent fund,	-	-	-	-	736,484
					<hr/>
					82,471,341
					<hr/>

Cr.

By amount of bonds and notes discounted, outstanding,		-	-	-	81,636,163
of United States six per cent. stock,	-	-	-	-	45,034
of Pennsylvania five per cent. stock,	-	-	-	-	141,140
of stock of this bank,	-	-	-	-	20,000
of turnpike, bridge, Union Canal and Schuyl-					
kill navigation stock,	-	-	-	-	52,510
banking house and lot,	-	-	-	-	49,286
other real estate,	-	-	-	-	13,975
					<hr/>
					65,261
due from banks in the city and Northern Liberties,	-	-	-	-	36,118
due from other banks,	-	-	-	-	192,245
of notes of ditto, on hand,	-	-	-	-	73,559
					<hr/>
					265,804
of specie,	-	-	-	-	211,311
					<hr/>
					82,471,341
					<hr/>

A considerable amount of notes lying over unpaid; it is impossible to form a correct estimate of the contingent fund.

HENRY KUHL, *Cashier.*

Laid on the table.

Mr. Markley, from the committee on the judiciary system, reported a bill, No. 144, entitled "A supplement to the act entitled an act relative to escheats."

Mr. Dickerson, from the committee on claims, to whom had been referred, a petition on the subject, reported a bill, No. 147, entitled "An act for the relief of John Smith, a soldier of the revolutionary war."

Mr. Hill read in his place, and on leave given, presented to the chair, a bill, No. 145, entitled "An act authorising the State Treasurer to refund any sum or sums of money, that may have been paid into the State Treasury, for any land warrent or warrants, taken out for improved land."

Which bills were read the first time.

The bill, No. 81, entitled "An act for the relief of Reuben Winslow." And

The bill, No. 114, entitled "An act reducing the number of managers of the turnpike companies, between Pittsburg and Meadville," were severally read a third time and passed.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence

The bill, No. 135, from the House of Representatives entitled "An act declaring the streets, lanes and alleys, in the town of Danville, in Columbia county, public highways," was read a third time and passed.

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 126, from the House of Representatives, entitled "An act authorising the court of common pleas of the county of Franklin, to do certain things therein mentioned," was read a second time, as reported by a committee of the whole yesterday.

Section 1, being under consideration,

A motion was made by Mr. Wurts and Mr. R. Smith, to postpone the same together with the bill, for the present;

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled,

"A supplement to the act entitled "An act incorporating the Philadelphia Saving Fund Society."

Which was read the first time.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Fry in the chair, on bill, No. 120, entitled "A further supplement to an act entitled "An act for the improvement of the state, passed the twenty-sixth March, one thousand eight hundred and twenty-one."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Wednesday the 19th instant.

On motion of Mr. Hubley and Mr. Feger, the Senate resumed the second reading and consideration of bill, No. 84, entitled "An act for the limitation of actions, &c. to be brought upon penal acts of assembly," postponed for the present on the 7th instant.

A motion was then made, by Mr. Hubley and Mr. Feger, that Senate again resolve itself into a committee of the whole, on said bill, for the purpose of general amendment;

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole. Mr. Feger in the chair, on said bill.

And after some time, the committee rose, reported progress and obtained leave to sit again on Friday the 21st instant.

Adjourned until 10 o'clock, on Monday morning next.

## Monday, February 17, 1823.

Mr. Robertson presented a memorial from the president and managers of the Union Canal Company, remonstrating against any alteration being made in their act of incorporation.

Which was read and laid on the table.

Mr. Wurts presented a petition from sundry citizens of the city and county of Philadelphia, praying that the justices of the peace of the county and aldermen of the city of Philadelphia, may have concurrent jurisdiction in civil as well as criminal cases.

Which was read and referred to the committee on the judiciary system.

Mr. Wurts presented a petition from Martha Wilson, surviving administratrix to the estate of the late Col. Charles Stewart, of Hunterdon county, New Jersey, praying to be indemnified for certain tracts of land, in the county of Luzerne, certified to Connecticut claimants.

Which was read and referred to Messrs. Wurts, Conyngham and Dickerson.

Mr. Hill presented a petition from Jacob Wolf, John Wilt, sen. Richard Patton and David Ferguson, contractors with the Harrisburg, Carlisle and Chambersburg Turnpike Road Company, stating that they have received no compensation for their labor, and praying the Legislature to grant them relief.

Mr. Brewster presented a petition from sundry citizens of the Commonwealth, praying the Legislature to aid in clearing out the Susquehanna river, and in making the Chesapeake and Delaware canal.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

On motion of Mr. Coleman and Mr. Wurts, Messrs. Hubley and Mann were added to the committee on roads, bridges and inland navigation.

Mr. Coleman, from the committee to whom was referred petitions on the subject, reported two bills, to wit: bill, No. 148, entitled "An act to repeal an act entitled 'An act to incorporate the

Old Columbia Water Company;" and bill, No. 149, entitled "An act authorizing the Governor to incorporate the Columbia Water Company."

Mr. Hill, from the committee to whom had been referred an item of unfinished business on the subject, reported a bill, No. 150, entitled "An act providing for the election of prothonotaries, registers and recorders, and clerks of the orphans' court."

And said bills were read the first time.

A motion was made by Mr. Coleman and Mr. Cadwallader, and read as follows, to wit:

*Resolved*, That the Clerk be directed to purchase thirty copies of Jefferson's Manual, to be paid out of the contingent fund, which said copies shall be deposited in the Senate chamber, for the use of the members.

On motion,

Said resolution was read a second time; and

On the question,

Will the Senate adopt the same?

A motion was made, by Mr. R. Smith and Mr. Cadwallader, to amend the resolution, by striking out "thirty," and inserting "twenty."

Which was not agreed to. And,

The resolution was then agreed to.

A motion was made by Mr. Conyngham and Mr. Power, and read as follows, to wit:

*Resolved*, That the president and directors of the Chesapeake and Delaware Canal Company, be and they are hereby requested to transmit to this house the following information: Whether any route has been established, any plan adopted, or an engineer appointed, to supply Senate with a copy of the report made to them by Mr. Strickland, of his investigation last year, so far as respects the points of intersection with the waters of the Chesapeake and the Delaware; length, breadth and depth of the canal; size and number of the locks, with the several calculations of expense; with the present amount of subscriptions, and the names of the subscribers; designating, as far as practicable, the states in which they respectively reside; and also a copy of their charter of incorporation; if any survey has been made of the thorough-cut, and what information they may possess, relative to it; as a perfect knowledge of the views of the company is at the present moment very desirable to the Legislature, and to the people in general.

Laid on the table.

A motion was made, by Mr. Conyngham and Mr. Brewster, and read as follows, to wit:

*Resolved*, That the president and managers of the Union Canal Company be and they are hereby requested to transmit to this house, such information as may be in their possession, relative to the resignation of Mr. Baldwin, the engineer, together with the correspondence connected with that subject.

Laid on the table.

A motion was made by Mr. Groves and Mr. Hill, that Senate proceed to the second reading and consideration of bill, No. 60, entitled "A supplement to an act entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight," postponed for the present, on the 7th instant.

Whereupon,

The yeas and nays were required by Mr. Hill and Mr. Wurts, and are as follow, to wit:

### YEAS.

Messrs. Brewster,  
Conyngham  
Fry,  
Groves,  
Hill,  
Mahon,

### YEAS.

Messrs. Mann,  
Power,  
R. Smith,  
Winter,  
Marks, speaker.—11.

### NAYS.

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Herrington,

### NAYS.

Messrs. Hubley,  
Markley,  
Orr,  
Robertson,  
St. Clair,  
Wurts.—13.

So it was determined in the negative.

The bill, No. 93, entitled "A supplement to the act entitled "An act relative to dower, and for other purposes," having been made the order for this day;

On the question,

Will the Senate agree to consider the same?

A motion was made by Mr. Markley and Mr. R. Smith, that the committee of the whole be discharged from the further consideration of said bill; and that it be re-committed to the committee on the judiciary system.

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 124, from the House of Representatives, entitled "An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same; from thence through the borough of Mercer, to the state line, in a direction to Warren; and a review of the state road from the borough of Indiana to the mouth of Anderson's creek."

And after some time, the committee rose, reported progress; and obtained leave to sit again on Friday the 21st instant.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 125, from the House of Representatives, entitled "An act authorising the erection of slopes in the Loyalhanna and Yellowbreeches creeks."

And after some time, the committee rose, reported progress and obtained leave to sit again on Friday the 21st instant.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 127, from the House of Representatives, entitled "An act to authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike."

And after some time, the committee rose and reported said bill with amendments.

On motion of Mr. Coleman and Mr. Herrington, the Senate resolved itself into a committee of the whole, Mr. Hill in the chair, on bill, No. 115, from the House of Representatives, entitled "A further supplement to an act entitled 'An act to incorporate the city of Lancaster.'"

And, after some time, the committee rose and reported the bill, without amendment.

On motion of Mr. Coleman and Mr. Dewart, said bill was read a second time.

The 1st and only section being under consideration,

A motion was made by Mr. Coleman and Mr. Cadwallader, to amend the same, in the 7th line, by striking out "four" and inserting in lieu thereof "two;"

Which was agreed to.

The section and title were then severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives, being introduced, informed that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled

"An act to incorporate the Musical Fund Society of Philadelphia."

Adjourned until 10 o'clock, to-morrow morning.

## Tuesday, February 13, 1823.

Mr. Wurts obtained leave of absence, for Mr. W. R. Smith, for a few days.

The Clerk of the House of Representatives being introduced presented for concurrence, the bill entitled,

"An act vesting the corporation of the city of Philadelphia and the corporations of the adjoining townships and districts, in the county of Philadelphia, with additional powers."

Which was read the first time.

He also returned the bill entitled

"An act for the relief of Reuben Winslow."

And informed, that the House of Representatives have passed the same, without amendment.

Mr. Winter, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives they have compared and this day presented to the Governor, for his approbation, the bill entitled

"An act for the relief of Reuben Winslow."

Laid on the table.

Mr. Hill requested to be discharged from the committee on the subject of the confiscated lands of Andrew Allen; which was granted; and

*Ordered*, That Mr. Brewster be substituted in his place.

The bill, No. 115, from the House of Representatives entitled "A further supplement to an act entitled "An act to incorporate the city of Lancaster," was read a third time and passed.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same, with an amendment, in which the concurrence of that house is requested.

On motion of Mr. Groves and Mr. Power, the Senate proceeded to the 2d reading and consideration of the resolution offered on the 6th instant, calling for information relative to lands belonging to the commonwealth.

On the question,

Will the Senate adopt the same?

A motion was made, by Mr. Groves and Mr. St. Clair, that the further consideration of said resolution be postponed for the present; which was agreed to.

On motion of Mr. Conyngham and Mr. Brewster, the resolution offered yesterday, calling for certain information from the president and managers of the Chesapeake and Delaware canal, was read a second time, considered and adopted.

On motion of Mr. Conyngham and Mr. Brewster, the Senate proceeded to the second reading and consideration of the resolution offered yesterday, relative to certain correspondence between the Union Canal Company and Mr. Baldwin, engineer; and

On the question,

Will the Senate adopt the same?

A motion was made by Mr. Herrington and Mr. Wurts, to postpone the further consideration of said resolution, for the present;

Which was agreed to.

Mr. Robertson read in his place, and presented to the chair, the following protest, to wit:

The undersigned, members of the Senate, in the painful discharge of duty imposed on them, protest against the passage of an act entitled "An act directing the payment of certain debts therein specified;" and for this purpose, spread on the journals of the Senate, the reasons which have impelled them to the adoption of this



course. They do not wish to be understood to make any objections to the body of the act which is to provide for the payment of the debts due by the commonwealth; it being in their opinion the duty of the Legislature, to make appropriations for these purposes, whenever necessary; and without which appropriations, no money can constitutionally be drawn from the Treasury. Their objections are to the preamble of the act, which is always considered as a key to open the intent of the makers of the act, and the mischiefs intended to be prevented or remedied thereby. And believing this to be the true intent and meaning of every preamble, they are unable to understand the application of this preamble to the act, unless it is intended by it to express the intent of the makers of this act, that the Governor has neglected to execute the provisions of a law, making an appropriation for the payment of the loans provided for by this act, and which it was the duty of the Governor to execute agreeably to a practice under similar laws. The undersigned believe that the act of the twenty-third day of March, 1818, under the authority of which the loans were contracted, makes no appropriation for the payment of those loans, nor gives the Governor any power to draw his warrant on the treasury for their payment. If, therefore, it is intended by this preamble to declare it to be the opinion of the makers of this act, that the practice of any Governor, to pay off loans under similar laws, is, or ought to be compulsory on the present Governor, they do most solemnly protest against any such doctrine, as destructive of every safeguard of the constitution of the state. The constitution declares that "no money shall be drawn from the treasury, but in consequence of appropriations made by law," a provision which ought ever to be regarded as a necessary and salutary check, placed in the hands of the representatives of the people, over the executive officers of the government, to prevent any exercise of arbitrary discretion on their part, and any improper application of money in the treasury. If a practice of an executive officer of the government is to be made paramount to an express declaration of the constitution, there is no security in that instrument which may not be impaired under the same plea until we are brought under a government of usage and practice, to the exclusion of the constitution itself. The practice of paying off loans under similar laws to the act of 1818, did not exist in the administrations of Governors Mifflin and McKean, as will appear from a reference to the several laws passed during their administrations, for the borrowing and payment of loans. It is admitted by the undersigned that the practice existed during the administration of Governor Snyder; and that it was his common practice to pay off loans under laws, which, in the opinion of the undersigned, made no constitutional appropriation for the payment, as will appear from a reference to these laws.

By the act of the 23d March, 1818, the Governor was authorized to negotiate a loan or loans, not exceeding in the whole, the sum of \$150,000, "and the faith of the commonwealth is pledged for the reimbursement of the said loan or loans, within four years."

and in such instalments as may be agreed on by the parties." Under the authority of this act, Governor Findlay negotiated two several loans with the Bank of Philadelphia, under the sixth section of the charter of said bank, at five per cent. per annum, amounting to \$100,000, and a loan of \$50,000 with the Bank of Pennsylvania, at six per cent. which said loans were made "payable within four years from the date of the loans in such instalments as the finances of the commonwealth might justify." The undersigned cannot discover in this act of the 23d March, 1818, any appropriation made by law which could authorize the Governor to draw money from the treasury to pay off these loans, unless a novel and dangerous construction should be adopted by the Legislature, that an authority to borrow, implies the power to repay; or that the pledge of the faith of the commonwealth is an appropriation by law, agreeably to the provisions of the constitution. They believe that they are fortified in their opinion that no appropriation was made, nor any authority vested in the Governor to pay the loans by the act of the 25d March, 1818, by subsequent acts of the Legislature giving to that act this uniform construction. By the act of the 2d April, 1821, a discretionary power is vested in the Governor to pay off six per cent. loans out of the surplus moneys in the treasury during the recess of the Legislature, after the expiration of the year 1821, a power which it would have been unnecessary to have given, if the Governor had been authorised to pay the loans by the act of 1818. And if it should be considered that the Governor was authorised by the act of 1818 to pay off these loans, then the act of 1821, suspended the execution of that authority, until the recess of the Legislature after the expiration of the year 1821. By a resolution adopted by the House of Representatives on the 29th January, 1822, the committee of ways and means were directed to inquire into the expediency of making provision for the payment of the six per cent. loans, which ought to be considered as a fair expression of their opinion, that no appropriation existed at that time, to pay off these loans; and by the report of the committee of ways and means, adopted by the house on the 9th of February of the same year, this opinion is still more clearly and decidedly expressed. In the report of the committee, the five per cent. loan, negotiated with the Bank of Philadelphia is stated to have been borrowed under the sixth section of the act of incorporation, by which they were compelled to loan \$100,000 to the state at five per cent. for ten years; and in the estimate made in a subsequent report by the same committee, of the expenses of government, including interest on loans, for the ensuing year, interest on this loan of \$100,000 is expressly provided for; a strong manifestation of the opinion of the house, that the payment of this loan would not, and could not, be called for, during the last year. That the president and directors of the Bank of Philadelphia, put the same construction on the contract for this loan, cannot be doubted. No application has ever been made for the payment of it; and it appears from the correspon-

dence of the cashier of that bank with the State Treasurer, that all the bank requires is the payment of the interest.

By the same committee of ways and means, a bill was reported, which subsequently passed the house, to authorise the Auditor General and State Treasurer to borrow \$400,000, which was appropriated and directed to be applied to the payment of the six per cent loans, a superfluous act, if the Governor was authorised by the laws under which the loans were negotiated; to repay them out of the surplus money in the treasury. By an act of the Legislature, passed the 2d of April, 1822, those officers were authorised to borrow \$400,000, which was appropriated and directed by the act to be applied to the payment of the six per cent loans.

From the message of the Governor, communicated to the Legislature, at the commencement of the present session, it appears that the negociation for the loan failed; and the Governor in the same message states, that to judge whether the situation of the treasury would justify, to any extent, the exercise of the power vested in the Governor by the 5th section of the act of the 2d April, 1821, he addressed letters to the officers of the treasury department, requiring such information as their means might enable them to furnish; and that from their representation of the money on hand, and the amount of receipts expected in the course of the year, and the demands to which the treasury was subject on account of appropriations remaining unpaid, he did not consider himself authorised to exercise the power during the recess of the Legislature.

From the foregoing statement, the undersigned feel themselves justified in expressing the opinion, that the act of the 23d March, 1818 under which the loans were borrowed, made no appropriation or their payment; that by the act of the 2d April, 1821, the discretionary power vested in the Governor was not to be exercised until after the expiration of the year 1821, and during the recess of the Legislature; that in consequence of the act of the 2d April, 1822, authorising the State Treasurer and Auditor General to borrow \$400,000, to pay off the six per cent loans, it would not have been proper in the chief magistrate to have exercised the powers vested in him by the act of April, 1821, until it was ascertained that the loan could not be obtained; and that from the statement made to the Governor by the State Treasurer, of the probable amount of money that would be on hand on the 1st December, it would not have been prudent in the Governor to have applied any of the surplus money in the treasury to the extinguishment of the six per cent loans; and that there never was at any period, any appropriation made by law, for the payment of the \$100,000 borrowed from the Bank of Philadelphia. They cannot, therefore, subscribe to the doctrine inculcated in the preamble, that the practice under similar laws, ought to have been followed by the Governor. They believe it to be a doctrine fraught with danger, and calculated to produce a looseness in the management and application of the finances of the Commonwealth, which hereafter may be taken advantage of to the prejudice of the

interests of the state. And the undersigned feel the more confident in the expression of this opinion, from a reference to an official message of Mr. Jefferson to both houses of Congress of the 8th December, 1801, which contains the following sentiment:

"In our care too, of the public contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department, all accountabilities for money, where the examination may be prompt, efficacious and uniform."

JAMES ROBERTSON,  
STEPHEN DUNCAN,  
JOHN WURTS,  
EDWARD COLEMAN,  
W. R. SMITH,  
CYRUS CADWALLADER,  
CONRAD FEGER,  
JAMES B. HUBLEY.

Ordered to lie on the table.

The Senate proceeded to the second reading and consideration of bill, No. 127, from the House of Representatives, entitled "An act to authorise the review of part of the state road, from the borough of Orwigsburg to Milford, in the county of Pike," reported by a committee of the whole yesterday.

When a motion was made by Mr. Hubley and Mr. Orr, that Senate again resolve itself into a committee of the whole, on said bill, for the purpose of general amendment.

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on said bill;

And after some time the committee rose and reported the bill with amendment.

The 1st and only section being now under consideration,

Was agreed to.

The title was agreed to; and

Ordered, That said bill be prepared for a third reading.

On motion of Mr. Wurts and Mr. Cadwallader, the Senate resumed the second reading and consideration of bill, No. 79, from the House of Representatives, entitled "An act fixing the compensation of the inspector of staves and heading," postponed for the present, on the 20th ultimo.

The amendments to section one recurring and being again under consideration, were agreed to; and

The section as amended was then agreed to.

Section 2, being under consideration,

A motion was made by Mr. Brewster and Mr. Wurts, to amend the same, in the 4th line, by adding after the word "of" where it first occurs, the words "pipe and hogshhead;" and to strike out all after the word "heaving," in the same line, to the word "be," in the 6th line;

Which was agreed to.

The section was then, together with the title, agreed to.

*Ordered*, That said bill be prepared for a third reading.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania*

GENTLEMEN: I have this day approved and signed the following act of the General Assembly, and directed the Secretary of the Commonwealth to return the same to the House in which it originated, to wit:

"An act for the relief of Reuben Winslow."

JOSEPH HIESTER.

*Harrisburg*, February 18, 1823.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Brewster in the chair, on bill, No. 131, entitled "A supplement to the act allowing peremptory challenges."

And after some time, the committee rose and reported said bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hubley in the chair, on bill, No. 132, entitled "An act to cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected."

And after some time, the committee rose and reported the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 133, from the House of Representatives, entitled "An act appropriating certain taxes, arising on unseated lands, for the improvement of certain state roads."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Groves and Mr. Wurts, the Senate resolved itself into a committee of the whole, Mr. Mahon in the chair, on bill, No. 122, from the House of Representatives, entitled "An act to authorise the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia to the county prison, in Arch street, and for other purposes."

And after some time, the committee rose and reported the bill with an amendment.

*Adjourned until 10 o'clock, to-morrow morning.*

**Wednesday, February 19, 1823.**

Mr. Feger presented a petition and documents, from Christian Miller, of Reading, in Berks county, an old soldier, praying for relief;

Which was read and referred to the committee on claims.

Mr. Dickerson presented a petition, from the stockholders in the Pittsburg and Steubenville turnpike road, praying to be authorised to complete said road, in the manner directed in the case of the Erie and Waterford, or Mercer and Meadville turnpike roads.

Mr. M'Meens presented a petition, from sundry citizens of the commonwealth, praying the Legislature to appropriate the sum of 10,000 dollars, for the purpose of making a road from the Great Island, in Lycoming county, to intersect the road from Bellefonte to Erie.

Mr. M'Meens presented a petition, from sundry citizens of Warren county, praying the Legislature to grant the sum of 1,000 dollars, to enable them to make a road from Moosic mountain to the west line of the state.

And said petitions were read and referred to the committee on roads, bridges and inland navigation.

Mr. Hill presented a petition and documents, from Nathan Ames, of Greene county, praying to be divorced from the bonds of matrimony;

Which was read and referred to Messrs. Hill, Fry and Wurts.

Mr. Markley presented a petition, from Edward Ritchey, Thomas Bridgens, Ann Ritchey and Andrew A. Stewart, legal representatives of Robert Ritchey, of Lycoming county, praying that John M'Meens and Edward Ritchey may be authorised to sell and convey a certain tract of land, in Centre county.

Mr. Dewart presented a petition from Thomas William Harper, of Northumberland county, praying to be authorised to convey two certain lots of land, in Clearfield county.

And said petitions were read and referred to the committee on the judiciary system.

Mr. M'Meens presented a remonstrance, from sundry citizens of the borough of Milton and its vicinity, against any aid being given to the Milton academy, unless the right of electing trustees be vested in the citizens generally.

Which was read and laid on the table.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred petitions on the subject, reported three bills, numbered and entitled as follow, to wit:

No. 152, "An act to authorize an extension of the Susquehanna and Tioga Turnpike Road."

No. 153, "An act to confirm a state road from Waynesburg, in Greene county, to Connelville in Fayette county."

No. 154, "An act to authorise the laying out a certain state road, from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

Mr. Markley, from the committee on the judiciary system, to whom had been referred, a resolution on the subject, reported a bill, No. 155, entitled "An act making copies of certain documents, records and papers, evidence in courts of justice."

Which bills were read the first time.

The bill, No. 79, from the House of Representatives, entitled "An act fixing the compensation of the inspector of staves and heading;" and

The bill, No. 127, from the House of Representatives, entitled "An act to authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike," were severally read a third time and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that Senate have passed the same, with amendments, in which the concurrence of that house is requested.

On motion of Hill and Mr. Coleman, the Senate proceeded to the second reading and consideration of the resolution offered on the 25th December, relative to an annuity to be granted to Ann Maria Hubley, widow of the late Col. Frederick Hubley.

When a motion was made, by Mr. Dickerson and Mr. Winter, to amend the same, by striking out "80 dollars," and inserting in lieu thereof, "40 dollars."

Mr. Hill called for a division of the question, to end with striking out. And

On the question,

Will the Senate agree so to strike out?

It was determined in the affirmative.

When a motion was made Mr. Hill and Mr. Eichelberger, to fill the blanks with "60 dollars."

Mr. Dickerson named "40 dollars."

On the question,

Will the Senate fill the blank with \$60?

The yeas and nays were required, by Mr. Dickerson and Mr. St. Clair, and are as follow, to wit:

**YEAS.**

Messrs. Brewster,  
Coleman,  
Conyngham,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Hill

**YEAS.**

Messrs. Mahon,  
Markley,  
Power,  
Robertson,  
Shulze,  
St. Clair,  
Wurts,  
Marks, speaker—16.

## MAY 8.

Messrs. Allshouse,  
Dewart,  
Dickerson,  
Duncan,  
Fry,  
Herrington,

## MAY 8.

Messrs. Mann,  
M<sup>c</sup>Meens,  
Orr,  
R. Smith,  
Winter.—11.

So it was determined in the affirmative.

And the resolution as amended, was then adopted.

Mr. Dickerson, from the committee on claims, to whom had been referred the above named resolution, reported a bill, No. 156, entitled "An act for the relief of Ann Maria Hubley, a widow of an officer of the revolutionary war"

Which was read the first time.

The bill No. 183, from the House of Representatives, entitled "An act appropriating certain taxes arising on unseated lands, for the improvement of certain state roads," was read a second time, as reported by a committee of the whole yesterday.

Sections 1 and 2, were considered and agreed to.

Section 3, being under consideration,

A motion was made by Mr. Brewster and Mr. Conyngham, to amend the same, in the 18th line, by inserting after the word "clerk," these words "*of said court;*"

Which was agreed to.

And the section as amended, was then agreed to.

Section 4, together with the title were agreed to.

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 181, entitled "A supplement to the act allowing peremptory challenges," was read a second time, as reported by a committee of the whole yesterday.

Section 1 being under consideration,

A motion was made by Mr. Markley and Mr. Mahon, to amend the same, in the 6th line, by striking out after the word indictment, these words: "*each of;*" and in the same line to insert after the words "*defendants,*" these words: "*shall not be entitled to several challenges but;*" and in the 7th line, to insert after the word "permitted," the word "*jointly;*"

Which was agreed to; and

On the question,

Will the Senate agree to the section as amended?

It was determined in the negative.

A motion was made, by Mr. Groves and Mr. R. Smith, that when Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon;

Which was not agreed to.

The bill, No. 182, entitled "An act to cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected," was read a second time, as reported by a committee of the whole yesterday.

The section and title were severally considered and agreed to.



**Ordered.** That said bill be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendment by Senate, to the bill entitled

"A further supplement to an act entitled "An act to incorporate the city of Lancaster."

Adjourned until 10 o'clock, to-morrow morning.

**Thursday, February 20, 1823.**

Mr. Fry presented a petition from sundry citizens of the counties of Montgomery, Bucks, Northampton, Berks, Schuylkill, Lehigh and Pike, praying that a new district of the supreme court may be established, to be held at the borough of Northampton, in Lehigh county.

Mr. Feger presented two petitions of similar tenor, from sundry citizens of Berks county, praying to be authorised to erect a poor house in said county.

And said petitions were read and laid on the table.

Mr. Feger presented a petition from Henry Sauer, of Berks county, an old soldier, praying for relief.

Which was read and referred to the committee on claims.

Mr. Hill, from the committee to whom had been referred on yesterday, a petition on the subject, on leave given, reported a bill, No. 157, entitled "An act dissolving the marriage contract between Nathan Ames and Nancy his wife."

Mr. R. Smith, from the committee to whom had been referred an item of unfinished business, on the subject, reported a bill, No. 159, entitled "An act allowing compensation to Charles Widney, for his services as commissioner for completing a certain public road."

Mr. Hill read in his place, and on leave given, presented to the chair, a bill No. 158, entitled "An act authorising the Secretary of the Land Office to grant patents for lands to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth."

Which bills were read the first time.

The bill, No. 133, from the House of Representatives, entitled "An act appropriating certain taxes arising on unseated lands, for the improvement of certain state roads," was read a third time, and passed.

**Ordered,** That the Clerk return said bill to the House of Representatives, with information, that Senate have passed the same, with an amendment, in which the concurrence of that house is requested.

## THE SENATE.

The bill, No. 132, entitled "An act to cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected," was read a third time and passed.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Conyngham and Mr. Shulze, the following resolution was twice read, considered and adopted, to wit:

"Whereas several state roads have been surveyed and marked, and the appropriations have been granted by the Legislature, the money expended; and as those roads have not been continued and opened in the state of New York, to the injury of the interests of this Commonwealth. Therefore

*Resolved*, That a committee be appointed to inquire into the facts and report to this house what measures ought to be adopted in order to have those roads continued and opened within the state of New York, to their respective points of intersection with the leading roads in that state.

*Ordered*, That Messrs. Conyngham, Orr and Duncan, be a committee for that purpose.

On motion of Mr. Conyngham and Mr. Brewster, the Senate resumed the second reading and consideration of bill, No. 131, from the House of Representatives, entitled "An act granting compensation to Josiah Lewis, for certain lands certified to Connecticut claimants, in the Seventeen Townships, in Luzerne county," postponed on the 15th January.

The first and only section being under consideration,

A motion was made by Mr. Conyngham and Mr. Brewster to amend the same, in the 15th line, by inserting after the words "supplements," these words: "*or the act for the purpose of adjusting the titles to lands in Bedford and Ulster townships, Luzerne and Lycoming counties, passed the 19th day of May 1810.*"

Which was not agreed to.

A motion was then made, by Mr. Brewster and Mr. Conyngham, to amend said section, by adding to the end thereof, the following proviso, to wit:

*"And provided further, that the Surveyor General shall appoint some disinterested, competent person, to ascertain, by actual survey, the quantity of the land certified away as aforesaid, and to make a return thereof to the Surveyor General, under oath or affirmation."*

When a motion was made by Mr. Mann and Mr. Brewster to postpone the question, together with the bill, for the present.

Which was agreed to.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective Houses in which they originated, viz:

"An act authorising the incorporation of a company for the making of a turnpike road, from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville."

"An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers."

"A supplement to an act entitled "An act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning."

JOSEPH HIESTER.

*February 19, 1828.*

On motion of Mr. Power and Mr. Brewster, the Senate again resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 128, from the House of Representatives, entitled "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of overseers and supervisors in said township."

And after some time, the committee rose, reported progress and obtained leave to sit again to-morrow.

A motion was made by Mr. Groves and Mr. Power, that when the Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon.

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Mann in the chair, on bill, No. 137, from the House of Representatives, entitled "A further supplement to an act entitled "An act for the improvement of the state."

And after some time, the committee rose and reported the first and only section negatived.

On the question,

Will the Senate agree to said report?

A motion was made by Mr. Hill and Mr. Markley, to postpone the question for the present;

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled,

"An act granting compensation to James Barrett for a tract of donation land."

"An act to enable the Governor to incorporate a company for making a canal and lock navigation, on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the

said company to supply the said borough with water and to insure against fire."

Which bills were read the first time.

He also informed, that the House of Representatives have concurred in the amendments by the Senate, to the bills entitled

"An act fixing the compensation of the inspector of staves and heading."

"An act to authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike."

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 100, entitled "A further supplement to the act entitled "An act to authorise the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend Turnpike Road."

And, after some time, the committee rose and reported the bill without amendment.

Adjourned until half past three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

On motion of Mr. Groves and Mr. Robertson, the Senate proceeded to the second reading and consideration of bill, No. 122, from the House of Representatives, entitled "An act to authorise the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes."

Sections 1 and 2, were severally considered and agreed to.

Section 3 being under consideration,

A motion was made by Mr. Groves and Mr. Conyngham, to amend the same, in the 5th line, by inserting after the word "such," where it first occurs, the word "male."

Which was agreed to.

A motion was then made by Mr. Hubley and Mr. M'Means, further to amend said section, in the 5th line, by striking out the word "are," and inserting in lieu thereof, the words "shall be."

On the question,

Will the Senate agree to said amendment?

The yeas and nays were required, by Mr. Hubley and Mr. Cadwallader, and are as follow, to wit:

#### *YEAS.*

Messrs. Allshouse,  
Brewster,  
Dewart,  
Hubley,  
M'Means,

#### *YEAS.*

Messrs. Power,  
R. Smith,  
Winter,  
Marks, speaker.—9.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**NAYS.**

Messrs. Herrington,  
Hill,  
Mahon,  
Mann,  
Markley,  
Orr,  
Robertson,  
Shulze,  
St. Clair,  
Wurts.—20.

So it was determined in the negative.

A motion was then made by Mr. R. Smith and Mr. Power, to amend the section, in the 5th line, by inserting after the word "*as*" these words: "*may be convicted in the city and county of Philadelphia shall be;*" and to strike out the word "*are;*"

Which was not agreed to.

A motion was made by Mr. Hubley, further to amend said section, by striking out of the 5th line, these words: "*are liable to be placed to such punishments;*" and to insert in lieu thereof, these words: "*shall hereafter commit a crime or crimes, for which they shall be convicted and sentenced to hard labor.*"

Which was not agreed to; and

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required by Mr. R. Smith and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**YEAS.**

Messrs. Fry,  
Groves,  
Herrington,  
Markley,  
Orr,  
Robertson,  
St. Clair,  
Wurts.—16.

**NAYS.**

Messrs. Allshouse,  
Brewster,  
Dickerson,  
Hill,  
Hubley,  
Mahon,

**NAYS.**

Messrs. Mann,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—12.

So it was determined in the affirmative.

The 4th and 5th sections, together with the title, were severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

Journed until 10 o'clock, to-morrow morning.

**Friday, February 21, 1823.**

Mr. Power presented a petition from sundry stockholders in the Pittsburg and Steubenville turnpike road company, praying to be authorised by law, to complete said road in the manner directed in the case of the Erie and Waterford or the Mercer and Meadville roads.

Which were read and referred to the committee on roads, bridges and inland navigation.

Mr. Fry presented two petitions, of similar tenor, from sundry citizens of the counties of Northampton, Lehigh, Pike and Wayne, praying for the establishment of a new district of the supreme court.

Which were read and laid on the table.

Mr. Orr presented documents, relative to the claim of Daniel Boyle.

Which were referred to the committee on claims.

Mr. Winter, from the committee to compare bills and present them to the Governor, for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives they have compared and on yesterday presented to the Governor, for his approbation, the following bills:

"A further supplement to an act entitled "An act to incorporate the city of Lancaster."

"An act for the relief of Jacob Sigler a revolutionary soldier."

"An act to incorporate the Musical Fund Society of Philadelphia."

"An act to authorise the review of a part of the state road from the borough of Orwigsburg to Milford, in the county of Pike."

Ordered to lie on the table.

The bill No. 122, from the House of Representatives, entitled "An act to authorise the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes," was read a second time; and

On the question,

Shall the bill pass?

The yeas and nays were required, by Mr. Dickerson and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Corynghan,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Fry;

**YEAS.**

Messrs. Graves,  
Herrington,  
Markley,  
Orr,  
Robertson,  
St. Clair,  
Wurts.—15.

## MAY 18

Messrs. Allshouse,  
Brewster,  
Dickerson,  
Hill,  
Hubley,  
Mahon,  
Mann,

## MAY 18

Messrs. M'Meane,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker. 15.

So it was determined in the affirmative, and

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 104, entitled "A further supplement to an act entitled "An act to authorize the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turn-pike road," was read a second time, as reported by a committee of the whole, yesterday.

The sections and title were then severally considered and agreed to.

On the question,

Shall the bill be transcribed for a third reading?

A motion was made, by Mr. Brewster and Mr. Conyngham, that Senate re-consider the vote on the first section, for the purpose of amendment;

Which was agreed to.

The section being again under consideration,

A motion was made, by Mr. Brewster and Mr. Dickerson, to amend the same, in the 5th line, by striking out the words "locate and make," and inserting in lieu thereof, these words: "change the route of;"

Which was agreed to.

And the section, as amended, was then agreed to.

The question recurring, shall said bill be transcribed for a third reading?

It was determined in the affirmative.

On motion of Mr. Dickerson and Mr. Conyngham, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 160, from the House of Representatives, entitled "An act granting compensation to James Barrett for a tract of donation land," was read a second time.

The first and only section being under consideration,

A motion was made, by Mr. Dewart and Mr. R. Smith, to amend the same, by adding after "James Barrett," these words, "of Columbia county," which was agreed to.

The section as amended, was then, together with the title, agreed to.

On motion of Mr. Mann and Mr. Dickerson, the rule which prohibits the reading of bills twice on the same day, being in this

was dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that Senate have passed the same, with an amendment, in which the concurrence of that house is requested.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No. 84, entitled "An act for the limitation of actions, &c. to be brought upon penal acts of assembly."

And after some time, the committee rose, reported the first and only section of the bill negatived. And

On the question,

Will the Senate agree to the report of the committee?

A motion was made, by Mr. Dewart and Mr. Cadwallader, to postpone the question for the present;

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 128, from the House of Representatives, entitled "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of overseers and supervisors, in said township."

And after some time, the committee rose and reported said bill with amendments.

On motion of Mr. Power and Mr. Markley, said bill was read a second time, considered by section and agreed to.

The title was agreed to, after being amended to read as follows, to wit: "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county and regulating the election of other township officers."

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives being introduced presented for concurrence, the bill entitled,

"An act for the relief of the Philadelphia asylum for the deaf and dumb."

Which was read the first time.

He also informed, that the House of Representatives have concurred in the amendment by Senate to the bills entitled as follow to wit:

"An act appropriating certain taxes arising on unseated lands for the improvement of certain state roads."

"An act granting compensation to James Barrett, for a tract of donation land."

"An act to authorise the removal of the persons now confined in the Prunet-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes."

He also informed, that agreeably to the 22d section of the first article of the constitution of this commonwealth, in the case of



bills returned by the Governor, without having received his approbation and signature, he presented the bill, No. 111, from the House of Representatives entitled "An act directing the payment of certain debts therein specified," together with the Governor's objections to the same; and that the House of Representatives had re-considered the said bill, and by a constitutional majority passed the same.

The Governor's objections were read as follow, viz:

*To the House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: Among other bills, presented on the 14th of this month, for my approbation and signature, is one entitled "An act directing the payment of certain debts therein specified."

Whatever difference of opinion may have taken place between the Governor and the Legislature, as to certain facts set forth in the preamble, and however much they have disagreed in their construction of the constitution and the laws relating to the transaction to which it alludes, it was not expected that this difference of opinion would have been introduced into a bill, for any purpose; and much less for a purpose which, by its peculiar phraseology, it is apparently calculated to effect. Forcibly impressed with a sense of the unpleasant and evil consequences resulting from a want of mutual respect in the intercourse between different branches of government, I have scrupulously avoided interfering with the rights and privileges of the Legislature: and therefore, expected, in return, that my conduct, whilst governed by the constitution and sanctioned by the provisions of law, would not have drawn forth such animadversion as is expressed in the preamble. The facts it assumes, although they warrant a construction different from that entertained by the legislature, are represented in a manner so much at variance with common courtesy and the general principles and rules of Legislation, that I feel myself constrained, in support of the independence of the office of Chief Magistrate of the state, to enter my solemn protest against it. In times of high party excitement, the only safeguard to a Governor, is a strict adherence to the constitution and the laws: the former I have sworn to support, and the latter to execute with fidelity; and under this solemn injunction, I shall continue to execute the important trust, uninfluenced by any other consideration than those which arise from an imperious sense of duty, and an anxious desire to maintain the rights and promote the interest of our fellow citizens.

For these and the following reasons, I cannot approve of this bill, and have directed the Secretary of the Commonwealth to return it to the House of Representatives, in which it originated, with my objections.

First. I cannot approve this bill, because it tends to sanction an infringement of that part of the constitution which enjoins, that "no money shall be drawn from the treasury, but in consequence of appropriations made by law;" and justifies an illegal mode of

paying loans and drawing money from the treasury, on the ground of an alleged practice, which practice, if it did exist, was applicable only to the case of loans paid under circumstances different from those embraced in the present bill. But though a case may have occurred in the time of a former Governor, of the payment of a loan made even under the same circumstances, of which however I have not yet been able to discover any evidence of analogy) it could not be binding on his successor, or furnish an example which ought to be followed, if by so doing its adoption would involve a palpable breach of the constitution. On the contrary, should I give my approbation to this bill, in its present shape, it would have the effect, as far as executive assent goes to produce it, of clothing an alleged practice, unsanctioned by the constitution, with the authority of law, in opposition to one of the plainest principles of that instrument, and establish, thereby a precedent dangerous in its consequences, and liable to be abused by a designing Governor and a subservient Legislature.

Second. I cannot approve this bill, because the preamble contains an allegation which charges the Executive with impairing the faith of the commonwealth, by a neglect to pay the loans to which it refers; although it clearly appears from the different laws and circumstances connected with the transaction, that he was restricted from exercising such authority, not only by the act of April, 1821; but by the proceedings and acts of the Legislature at the last session, which provided for the continuance of the five per cent. loans, and the discharge of those bearing an interest of six per cent. by a new arrangement to the correspondence between the officers of the banks from which these loans were obtained and the State Treasurer. I appeal, with confidence, for the truth of the assertion, that these institutions were so fully satisfied with the faith of the commonwealth, as already pledged in existing laws, that payment of the principal was neither demanded nor expected; and that it was the interest only they asked for, or expected to receive, until payment of interest was refused, and the cashier of the Pennsylvania Bank directed to call on the Governor for the reimbursement of the principal. By the act of the 2d of April, 1822, authorising the State Treasurer and Auditor General to negotiate a loan of \$400,000, the application of the money to the reimbursement of the six per cent. loans, was vested in these officers, beyond the control of the Executive; and if they have failed in obtaining the loan by a departure from the manner directed by the act, they alone are responsible for the consequences, and not the Governor to whom no agency had been assigned.

Third. I cannot approve this bill, in its present form, inasmuch as if the situation of the Treasury admits of payment of any money borrowed of banks, it is evidently against the interest of the state to discharge loans bearing only an interest of five per cent. per annum, the payment of which is not demandable, and has not been required, while the state is indebted to banks for loans bearing an interest of six per cent.

Fourth. I cannot approve this bill, because it proposes to with-

draw from the treasury, before any plan has been devised or suggested for supplying the deficiency it must necessarily occasion, the means now on hand to discharge bank loans, for which the state is not called upon for payment, while appropriations to turn-pik roads and other public improvements, remain unpaid to an amount greatly exceeding the sum now in the treasury, or which may be paid in during the current year; for it is evident, from the spirit and activity with which it is expected public improvements will be carried on, during the ensuing season, that actual demands on the treasury will take place, to an extent that must produce a deficit and impair the credit of the state, unless provision be made by the Legislature, for replacing the money thus withdrawn.

JOSEPH HIESTER,

February 19, 1828.

Whereupon the Senate proceeded to the re-consideration of said bill. And

On the question,  
Shall the bill pass?

Agreeably to the 22d section of the first article of the constitution, the yeas and nays were taken and were as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Brewster,  
Conyngham  
Dewart,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mahon,

**YEAS.**

Messrs. Mann,  
Markley,  
M'Meens,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—21.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Duncan,

**NAYS.**

Messrs. Hubley,  
Robertson,  
Wurts.—6.

So it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information, that the Senate have passed the same, by a constitutional majority.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 124, from the House of Representatives, entitled "An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same; from thence,

through the borough of Merrer, to the state line, in a direction to Warren, and a review of the state road, from the borough of Indiana to the mouth of Anderson's creek."

And after some time, the committee rose and reported the bill with amendments

Agreeably to order,

The Senate again resolved itself into a committee of the whole Mr. Groves in the chair, on bill, No. 125, from the House of Representatives, entitled "An act authorising the erection of slopes in the Loyalhanna and Yellow-breeches creeks."

And after some time, the committee rose and reported said bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Power in the chair, on bill, No. 141, entitled "An act to authorize John Harrison and George Seltzer to sell and convey certain real estate therein mentioned."

And after some time, the committee rose and reported said bill with amendments.

Adjourned until 10 o'clock, to-morrow morning.

## Saturday, February 22, 1823.

Mr. Groves presented a petition from sundry citizens of the city and county of Philadelphia, praying that the councils of the city and the commissioners of the several districts in the county, may be authorised to elect the managers of the Almshouse, with power to appoint the steward and other officers of the same.

Mr. Feger presented a petition from sundry citizens of Berks county, praying for the erection of a poor house in said county.

Mr. Brewster presented a petition from sundry citizens of Bradford county, praying for the removal of Livingston Jenks, a justice of the peace, in said county.

And said petitions were read and laid on the table.

Mr. Mahon presented two petitions of similar tenor, with a document, from sundry inhabitants of Dickinson township, Cumberland county, remonstrating against opening a public road from Pine Grove Furnace, to intersect the Petersburg road, in Adams county; and praying that the old road between the same points, may be reviewed.

Which were read and referred to the committee on roads, bridges and inland navigation.

Mr. Conyngham presented a petition from Anthony Weaver, of Luzerne county, an old soldier, praying to be indemnified for a certain tract of land, certified to Connecticut claimants.

Which was read and referred to Messrs. Conyngham, Mang and Dewart.

Mr. Wurts presented three petitions of similar tenor, from sundry citizens of the city and county of Philadelphia, praying that the justices of the peace of the county, and aldermen of the city, may have concurrent jurisdiction, in civil as well as criminal cases.

Which were read and referred to the committee on the judiciary system.

The Speaker laid before the Senate, a letter from Hugh M'Ilwaine, of Harrisburg, proposing to print, stitch and deliver the pamphlet laws of the present and two succeeding sessions, for forty-five dollars per sheet; or to print for forty dollars, and fold, stitch and deliver for four cents per copy additional.

Ordered to lie on the table

The bill, No. 106, entitled "A further supplement to the act entitled "An act to authorise the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend Turnpike Road," was read a third time, and passed.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 128, from the House of Representatives, entitled "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county; and regulating the election of other township officers," was read a third time and passed.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

The bill, No. 124, from the House of Representatives, entitled "An act authorising a review of the state road, from the county line, between Armstrong and Jefferson counties, where the state road from Milesburg to Erie crosses the same; from thence through the borough of Mercer, to the state line, in a direction to Warren; and a review of the state road from the borough of Indiana to the mouth of Anderson's creek," was read a second time, as reported by a committee of the whole yesterday, considered by section and agreed to.

The title was agreed to; and

Ordered, That said bill be prepared for a third reading.

The bill, No. 125, from the House of Representatives, entitled "An act authorising the erection of slopes in the Loyalhanna and Yellowbreeches creeks," was read a second time, as reported by a committee of the whole yesterday.

Sections 1 and 2 were severally considered and agreed to.

Section 3 being under consideration,

A motion was made by Mr. Mahon and Mr. Winter, to amend the same, by inserting after the word recoverable, in the 12th line, the following: "*Or upon the non-payment of the said fine, together with the costs of prosecution, such offender shall be imprisoned, in the common jail of said county, for a term of not less than one month, nor more than three months, there to be fed, clothed and dealt with*"

as prisoners in other cases are dealt with;" and at the end of the section, to add these words: "the same appeal to be presented by indictment on presentment as in ordinary cases."

Whereupon,

The yeas and nays were required by Mr. Dewart and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**YEAS.**

Messrs. Mahon,  
Orr,  
Robertson,  
St. Clair,  
Winter,  
Wurts.—13.

**NAYS.**

Messrs. Allshouse,  
Brewster,  
Conyngham,  
Dewart,  
Herrington,  
Hubley,

**NAYS.**

Messrs. Mann,  
M'Meens,  
Power,  
Shulze,  
R. Smith,  
Marks, speaker.—12.

So it was determined in the affirmative.

A motion was then made by Mr. Eichelberger and Mr. Mahon, further to amend the section, in the 3d line, by inserting after the word "any" the word "set;"

Which was agreed to; and

The section as amended, was then agreed to.

The 4th section and title were severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 141, entitled "An act to authorise John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned," was read a second time, as reported by a committee of the whole yesterday.

The section and title were severally considered and agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this-day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives, in which they originated, to wit:

"An act to incorporate the Musical Fund Society of Philadelphia."

"An act for the relief of Jacob Sigler, a revolutionary soldier."

"An act to authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike."

"A further supplement to an act entitled "An act to incorporate the city of Lancaster."

JOSEPH HIESTER.

February 22, 1823.

Laid on the table.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled

"A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes."

Which was read the first time.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Stulze in the chair, on bill, No. 113, entitled "A supplement to the act entitled "An act for the improvement of the state."

And after some time, the committee rose and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 97, from the House of Representatives, entitled "An act to authorise the printing of the pamphlet laws of this Commonwealth."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday next.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments, by Senate, to the bill entitled

"An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of overseers and supervisors in said township."

Adjourned until 10 o'clock, on Monday morning next.

## Monday, February 24, 1823.

Mr. Hill obtained leave of absence, from to-morrow, for a few days.

Mr. Duncan presented a petition from sundry citizens of the Commonwealth, praying that an act of incorporation may be granted to the Schuylkill Coal Company.

Mr. McMeens presented two petitions of similar tenor, from sundry citizens of the borough of Milton and its vicinity, remonstrating against any appropriation of money being made to the

Milton Academy, unless the citizens who vote for township officers be authorised to vote for trustees of the same.

Mr. Groves presented a petition from the commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, praying to be authorised to elect a manager of the Alms-house.

Mr. Cadwallader presented a petition from Robert Livezey, of Bucks county, one of the executors of the last will of Thomas Livezey, deceased, praying to be indemnified for two certain tracts of land, situated in Luzerne county, and certified to Connecticut claimants.

Mr. Wurts presented a petition from sundry citizens of the city of Philadelphia, praying that a turnpike road, free of toll, may be made between that city and Pittsburg.

And said petitions were read and laid on the table.

Mr. M'Means presented a petition from sundry citizens of the Commonwealth, praying that the sum of 10,000 dollars may be appropriated to aid in making a road from the Great Island, in Lycoming county, to intersect the Bellefonte and Erie Turnpike Road.

Which was read and referred to the committee on roads, bridges and inland navigation.

Mr. Hill presented four documents, relative to claims for services rendered during the late war.

Which were referred to the committee who have that subject under consideration.

The Speaker laid before the Senate, a letter from William Greer, of Harrisburg, stating his willingness to comply with his original proposals for printing the pamphlet laws, provided the time be extended for the execution of the work.

The speaker also laid before the Senate, a letter from H. W. Peterson, of Harrisburg, proposing to alter his terms for printing the pamphlet laws, to \$8 dollars per sheet, or 900 dollars per session.

And said letters were read and laid on the table.

Mr. Winter, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on Saturday last presented to the Governor for his approbation, the following bills, entitled as follow, to wit:

"An act fixing the compensation of the inspectors of staves and heading."

"An act to authorise the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes."

"An act appropriating certain taxes arising on unseated lands, for the improvement of certain state roads"

"An act granting compensation to James Barrett, for a tract of donation land."



And also, one other bill compared and presented this day, entitled

"An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of other township officers."

Ordered to lie on the table

The bill, No. 141, entitled "An act to authorise John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned," was read a third time and passed; and

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 124, from the House of Representatives, entitled "An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same, from thence through the borough of Mercer, to the state line in a direction to Warren; and a review of the state road from the borough of Indiana to the mouth of Anderson's creek," was read a third time and passed.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 125, from the House of Representatives, entitled "An act authorising the erection of slopes in the Loyallhanna and Yellowbreeches creeks," was read a third time; and

On the question,

Shall the bill pass?

A motion was made by Mr. R. Smith and Mr. St. Clair, that the question, together with the bill, be postponed for the present.

Which was agreed to.

On motion of Mr. Power and Mr. Herrington, an item of unfinished business, on the Journal of last session, relative to the laws on assessment and collection of road taxes, was referred to Messrs. Power, Brewster and Henderson.

On motion of Mr. Conyngham and Mr. Power, the resolution relative to certain information from the Union Canal Company, postponed on the 18th instant, was again read, considered and adopted.

On motion of Mr. Groves and Mr. Power,

*Ordered*, That Messrs. Groves and Dickerson, be a committee, in conjunction with a similar committee from the House of Representatives, if they should appoint such a committee, to carry into effect the object of the resolution relative to the preservation and repairs of the public buildings, passed on the 24th December; and that the Clerk inform the House of Representatives accordingly.

The bill, No. 118, entitled "A supplement to the act entitled 'An act for the improvement of the state,'" was read a second time, as reported by a committee of the whole yesterday.

The sections and title were severally considered and agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Markley in the chair, on bill, No. 63, entitled "An act authorising the Governor to appoint commissioners to view and lay out a state road from Greensburg, in Greene county, to Alexandria, in Washington county."

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Hubley and Mr. Dickerson, said bill was again read, considered by section and agreed to.

The title was agreed to; and

**Ordered,** That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 140, entitled "An act relative to mortgages;"

And after some time, the committee rose and reported progress and obtained leave to sit again to-morrow.

On motion of Mr. Cadwallader and Mr. Duncan, the Senate considered and disagreed to the report of the committee of the whole, postponed on the 27th December last, on bill, No. 14, from the House of Representatives, entitled "An act authorising Abraham Buckman, to sell and convey a certain tract of land therein named."

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill entitled

"An act authorising the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same."

He also returned the bill entitled "An act to annul the marriage contract of Francis D. Cummins and Esther his wife."

And informed, that the House of Representatives have passed the same, with one amendment, in which the concurrence of the Senate is requested.

And said bill and amendment were read the first time.

He further informed, that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled

"An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same; from thence through the borough of Mercer to the state line, in a direction to Warren; and a review of the state road from the borough of Indiana to the mouth of Anderson's creek."

On motion of Mr. Shulze and Mr. Dickerson, the amendment by the House of Representatives, to bill, No 75, entitled "An act to annul the marriage of Francis D. Cummins and Esther his wife, was again read, considered and concurred in.

**Ordered** That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Markley and Mr. Groves, the Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on

bill, No. 130, entitled "An act relative to the entry of testaturæ fi. fa."

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Power and Mr. Herrington, the Senate again resolved itself into a committee of the whole, Mr. Fry in the chair, on bill, No. 120, from the House of Representatives, entitled "A further supplement to an act entitled "An act for the improvement of the state, passed the twenty-sixth March, one thousand eight hundred and twenty-one."

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Herrington and Mr. Orr, the Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 86, from the House of Representatives, entitled "A supplement to an act entitled "An act authorising the sale of certain lands belonging to this commonwealth."

And after some time, the committee rose, reported progress and obtained leave to sit again to-morrow.

Adjourned until 10 o'clock, to-morrow morning.

## Tuesday, February 25, 1823.

Mr. Mahon presented a petition and documents, from sundry stockholders and others, praying that three disinterested persons may be appointed, to examine and review the Hanover and Carlisle Turnpike Road, and to ascertain whether the same has been completed according to law; and in case their report be in the negative, that the gates erected on said road may be removed.

Which was read and referred to Messrs. Mahon, R. Smith, Wurts, Eyster and Herrington.

Mr. Mahon presented a petition from Loves Pippin, of Cumberland county, praying for a divorce from the bonds of matrimony.

Which was read and referred to Messrs. Mahon, Feger and Conyngham.

Mr. Orr presented a petition from Thomas Meredith, of Armstrong county, an old soldier, praying for relief.

Which was read and referred to the committee on claims.

Mr. Barnard presented two petitions of similar tenor, from sundry citizens of West-Town, Thornbury and Birmingham townships, in the county of Chester, praying to be made a separate election district; and the elections be held at the house of Thomas Darlington, in West-Town township.

Which was read and referred to the committee on election districts.

Mr. Barnard presented a petition from sundry citizens of the borough of Westchester, in Chester county, praying for certain alterations in the act of incorporation of said borough.

Which was read and referred to Messrs. Barnard, Cadwallader and Allshouse.

Mr. Groves presented a petition from sundry citizens of the Commonwealth, praying that an act of incorporation may be granted to the Schuylkill Coal Association.

Which was read and laid on the table.

The Speaker laid before the Senate, a report from the commissioners appointed to superintend the erection of a state penitentiary, near Philadelphia, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met.*

The report of the commissioners appointed to superintend the erection of a State Penitentiary near Philadelphia,

RESPECTFULLY REPRESENTS,

That the commissioners in the performance of a duty devolved upon them, have purchased a site and proceeded in the erection of an exterior wall, in which are laid upwards of seventeen thousand perches of solid masonry. Subsequently to the close of the work when the winter commenced, an account of the materials on hand, together with the amount of debts due, and the balance of the money granted by the Legislature, was ascertained and transmitted to a committee of the House of Representatives.

To these documents as well as the plans and estimates now at the seat of government, the commissioners respectfully refer the Legislature for information concerning the actual state of the business entrusted to their management.

From the evidences thus furnished, it will be apparent that the appropriation of money heretofore made toward this important and interesting establishment, will be insufficient for the purpose, and it is believed that but little if any aid can be derived from a certain description of city lots, which the act of assembly authorised the commissioners to search for and sell.

Under all these circumstances the commissioners are induced to solicit such further appropriations, as will enable them to finish the penitentiary, a measure which, owing to the number and character of the prisoners now in confinement here, derived from all parts of the state, is hourly becoming more manifest. The erection of this prison and that near Pittsburg, are the great means which remain to complete the noble and efficient penal code, which it was the happiness of Pennsylvania first to present to the notice of the world, and for the perfection of which she seems to stand

pledged by every obligation which her beneficence and her renown can impose.

By order of the Board.

THOMAS SPARKS, *President.*

*Attest*—SAMUEL R. WOOD, *Secretary.*

*Philadelphia, February 21, 1823.*

Laid on the table.

Mr. Conyngham, from the committee to whom had been referred, on the 22d instant, a petition on the subject, on leave given, reported a bill, No. 165, entitled "An act granting compensation to Anthony Weaver, for a lot of land certified to Connecticut claimants in the Seventeen Townships, in the county of Luzerne."

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred petitions on the subject, reported two bills entitled as follow, to wit: bill No. 166, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg Turnpike Road Company."

And bill, No. 167, "A supplement to the act entitled "An act authorising the incorporation of the Pittsburg and Steubenville Turnpike Road Company."

Which bills were read the first time.

The bill, No. 63, entitled "An act authorising the Governor to appoint commissioners to view and lay out a state road from Greensburg, in Greene county, to Alexandria, in Washington county," was read a third time; and

On the question,

Shall the bill pass?

A motion was made by Mr. Power and Mr. Herrington, to amend the title, by striking out of the first line these words: "authorising the Governor to appoint;" and inserting in lieu thereof the word "appointing;"

Which was agreed to; and

The bill then passed.

The bill, No. 113, entitled "A supplement to the act entitled "An act for the improvement of the state," was read a third time and passed; and

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

The bill, No. 14, from the House of Representatives, entitled "An act authorising Abraham Buckman to sell and convey a certain tract of land therein named," was read a second time; and

On the question,

Will the Senate agree to the first and only section?

The yeas and nays were required by Mr. Duncan and Mr. Robertson, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Cadwallader,  
Conyngham,  
Eyster,  
Feger,  
Fry,

*NAYS.*

Messrs. Barnard,  
Brewster,  
Dewart,  
Duncan,  
Eichelberger,  
Henderson,  
Hubley,  
Mahon,

*YEAS.*

Messrs. Groves,  
Herrington,  
Power,  
Shulze,  
Winter,  
Marks, speaker—12.

*NAYS.*

Messrs. Mann,  
Markley,  
Orr,  
Robertson,  
R. Smith,  
St. Clair,  
Wurts.—15.

So it was determined in the negative.

The bill, No. 120, from the House of Representatives, entitled "A further supplement to an act entitled 'An act for the improvement of the state, passed the twenty-sixth March, one thousand eight hundred and twenty-one,'" was read a second time, as reported by a committee of the whole yesterday.

The section and title were considered and agreed to; and

*Ordered*, That it be prepared for a third reading.

On motion of Mr. Mahon and Mr. Henderson, the Senate again resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 97, from the House of Representatives, entitled "An act to authorise the printing of the pamphlet laws of this commonwealth;"

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Eichelberger and Mr. Power, said bill was read a second time.

The section and title were agreed to; and

*Ordered*, That it be prepared for a third reading.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wits;

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives in which they originated, viz:

1st, "An act fixing the compensation of the inspector of staves and heading."

2d, "An act to authorise the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes."

3d, "An act to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of other township officers."

4th, "An act appropriating certain taxes arising on unseated lands for the improvement of certain state roads."

5th, "An act granting compensation to James Barrett, for a tract of donation land."

JOSEPH HIESTER.

*Harrisburg, February 24, 1823.*

On motion of Mr. Groves and Mr. Dewart, the Senate adjourned to meet at half past three o'clock this afternoon.

*SAME DAY—IN THE AFTERNOON.*

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 140, entitled "An act relative to mortgages."

And after some time, the committee rose, reported progress and asked leave to sit again.

Whereupon,

A motion was made, by Markley and Mr. Duncan, to discharge the committee of the whole from the further consideration of said bill, and that it be recommitted to the committee on the judiciary system;

Which was agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 86, from the House of Representatives, entitled "A supplement to an act entitled "An act authorising the sale of certain lands belonging to this commonwealth."

And, after some time, the committee rose and reported the first and only section negatived; and

On the question,

Will the Senate agree to the report of the committee?

It was determined in the affirmative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill, No. 100, entitled "An act to authorise the Governor to incorporate the president, managers and company of the Ararat turnpike road."

And after some time, the committee rose and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr.

Allshouse in the chair, on bill, No. 151, from the House of Representatives, entitled "An act vesting the corporation of the city of Philadelphia and the corporations of the adjoining townships and districts, in the county of Philadelphia, with additional powers."

And after some time, the committee rose and reported the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 152, entitled "An act to authorise an extension of the Susquehanna and Tioga turnpike road."

And after some time, the committee rose, and reported the bill with an amendment.

On motion of Mr. Hubley and Mr. Conyngham, said bill was read a second time;

And the section and title were severally considered and agreed to.

*Ordered*, That the bill be transcribed for a third reading.

On motion of Mr. Groves and Mr. Power, the Senate resolved itself into a committee of the whole, Mr. Brewster in the chair, on bill, No. 134, from the House of Representatives, entitled "A further supplement to an act entitled "An act to incorporate the district of Spring Garden."

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Conyngham and Mr. Brewster, the Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill, No. 101, entitled "An act appointing commissioners to lay out a state road from the bridge over the Susquehanna river, at Wilkesbarre, to Milton, in the county of Northumberland;"

And, after some time, the committee rose and reported the bill, with amendments.

On motion of Mr. R. Smith and Mr. Dewart, the Senate proceeded to the second reading and consideration of said bill.

The sections were severally considered and agreed to.

The title being under consideration,

A motion was made, by Mr. Conyngham and Mr. Dewart, to amend the same, by striking out the word *Milton* and inserting *Washington*; and to strike out the word *Northumberland* and insert *Columbia*.

Which was agreed to.

And the title, as amended, was then agreed to.

*Ordered*, That said bill be transcribed for a third reading.  
Adjourned until 10 o'clock, to-morrow morning.



**Wednesday, February 26, 1823.**

Mr. Dickerson presented a petition, from sundry citizens of Amwell township, Washington county, praying that said township be made a separate election district, and the elections held at the house of John Horn, senior, in said township.

Mr. Herrington presented a petition from sundry citizens of the townships of Fairfield and Fallowfield, in Crawford county, praying that the place of holding their elections may be changed from the house of Samuel Power to that of Robert Power, in Fairfield township.

And said petitions were read and referred to the committee on election districts.

Mr. Orr presented a petition from sundry citizens of the north western counties of the commonwealth, praying that a bridge may be erected over the Allegheny river, where the Susquehanna and Waterford turnpike crosses the same, at the town of Franklin, and that twenty-five thousand dollars may be appropriated for that purpose.

Which was read and referred to the committee on roads bridges and inland navigation.

Mr. Coleman presented a petition from the select and common councils of the city of Lancaster, praying for certain alterations in their act of incorporation.

Which was read and referred to Messrs. Coleman, Barnard and St. Clair.

The Speaker laid before the Senate, a letter from Roberts Vaux, which was read as follows, to wit:

PHILADELPHIA, 2d Mo. 24, 1823.

*To William Marks, Esq. Speaker of the Senate of Pennsylvania.*

RESPECTED FRIEND: Herewith is transmitted a package containing twenty-five copies of the fifth annual report of the controllers of the public schools, of the city and county of Philadelphia, which are for the use of the members of the body over which thee presides.

The lawgivers of a free people will, no doubt, desire satisfaction from every evidence of the diffusion of virtuous, and literary education, as upon the universal extension, of such knowledge, the security and happiness of our country, essentially depends.

With great respect,

I am, &c.

ROBERTS VAUX,

*President of the Board of Controllers  
of the Public Schools.*

Mr. Mahen, from the committee to whom had been referred, yesterday, a petition on the subject, on leave given, reported a bill, No. 168, entitled "An act to annul the marriage of John Phippen and Loves, his wife."

Which was read the first time.

Mr. Wurts, from the committee on education, to whom was referred the petition of Hezekiah Burhans, made reports.

"That the petitioner represents, that "he has, with great labor and care, compiled an elementary work for the easy instruction of youth, called 'The Critical Pronouncing Spelling Book,' containing the rudiments of English language, to which are prefixed the principles of English pronunciation, compiled for the use of schools."

And he prays the Legislature to pass an act, authorising him to deliver to each child, returned by the assessors of each respective city, borough, or township, to be educated at public expense, two copies of this spelling book, to be paid for by the treasurer of the proper county, at the rate of fifteen pence per copy.

The committee do not deem it necessary to express any opinion as to the merits of this elementary work: for be its merits what they may, the committee cannot deem it expedient to pass the act, prayed for by the petitioner.

They, therefore, offer the following resolutions:

*Resolved*, That the petitioner have leave to withdraw his petition.

On motion of Mr. Wurts and Mr. Robertson, said resolution was again read, considered and adopted.

The bill No. 97, from the House of Representatives, entitled "An act to authorise the printing of the pamphlet laws of this commonwealth," was read a third time. And

On the question,

Shall the bill pass?

A motion was made, by Mr. Dickerson and Mr. Mahon, to amend the section in the 13th line, by striking out "forty" and in lieu thereof, inserting "sixty," which was agreed to.

And the bill was then passed.

The bill, No. 120, from the House of Representatives, entitled "A further supplement to an act entitled "An act for the improvement of the state, passed the twenty-sixth March, one thousand eight hundred and twenty-one," was read a third time and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 152, entitled "An act to authorise an extension of the Susquehanna and Tioga turnpike road;"

And the bill, No. 101, entitled "An act appointing commissioners to lay out a state road, from the bridge over the Susquehanna river, at Wilksbarre, to Washington, in the county of Columbia," were severally read a third time and passed.

*Ordered*, That the Clerk present the said bills the House of Representatives for concurrence.

The bill, No. 100, entitled "An act to authorise the Governor to incorporate the president, managers and company of the Anarat

turnpike road," was read a second time, as reported by a committee of the whole yesterday.

Section one, was considered and agreed to.

Section two, being under consideration,

A motion was made, by Mr. Brewster and Mr. Conyngham, to amend the same, in the second line, by striking out the words "one hundred?" and in lieu thereof to insert "fifty;"

Which was not agreed to.

And the section was agreed to.

Section 3 being under consideration,

A motion was made by Mr. Brewster and Mr. Conyngham, to amend the same, in the 8th line, by striking out the words "twelve" and in lieu thereof to insert "eight;"

Which was agreed to; and

The section as amended, was then agreed to.

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 151, from the House of Representatives, entitled "An act vesting the corporation of the city of Philadelphia and the corporations of the adjoining townships and districts in the county of Philadelphia, with additional powers," was read a second time, as reported by a committee of the whole yesterday.

The first and only section being under consideration,

A motion was made by Mr. Brewster and Mr. Conyngham, to amend the same, by adding to the end thereof, the following: "*Provided that such laws and ordinances be not contrary to the constitution and laws of this state or of the United States;*"

Which was agreed to; and

The section, as amended, together with the title, were agreed to.

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 134, from the House of Representatives, entitled "A further supplement to an act entitled "An act to incorporate the District of Spring Garden," was read a second time, as reported by a committee of the whole yesterday.

Sections 1, 2 and 3, were severally considered and agreed to.

Section four was considered and disagreed to.

The title was agreed to; and

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. Eichelberger and Mr. St. Clair, the Senate reconsidered the vote on bill, No. 14, from the House of Representatives, entitled "An act authorising Abraham Buckman to sell and convey a certain tract of land therein named;"

And the question recurring,

Will the Senate agree to the first section?

A motion was made by Mr. Dickerson and Mr. Markley, that the question, together with the bill, be postponed until to-morrow.

Which was not agreed to.

On the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Markley and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Cadwallader,  
Conyngham  
Eichelberger,  
Eyster,  
Feger,  
Fry,

**NAYS.**

Messrs. Barnard,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Henderson,  
Hubley,

**YEAS.**

Messrs. Groves,  
Herrington,  
Orr,  
Power,  
Shulze,  
Winter,  
Marks, speaker—14.

**NAYS.**

Messrs. Mann,  
Markley,  
M'Meens,  
Robertson,  
R. Smith,  
St. Clair,  
Wurts—14.

So it was determined in the negative.

The Clerk of the House of Representatives being introduced, presented for concurrence,

"An address for the removal of Thomas Laird, a justice of the peace, of Columbia county, from office."

Also, a bill entitled "An act supplementary to an act entitled 'A supplement to an act entitled 'An act erecting part of Cumberland county into a separate county, to be called Perry.'"

Which were read the first time.

And informed that the House of Representatives have concurred in the amendments by the Senate to the bill entitled

"An act to authorise the printing of the pamphlet laws of this Commonwealth;"

And that the House of Representatives have non-concurred in the first, and concurred in the last amendment to the bill entitled

"A further supplement to an act entitled 'An act for the improvement of the state,' passed the 26th March, 1821."

On motion of Mr. Herrington and Mr. St. Clair, the Senate considered and receded from the said amendment, non-concurred in by the House of Representatives,

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Mann and Mr. Barnard, the Senate adjourned to meet at half past three o'clock this afternoon.

**SAME DAY—IN THE AFTERNOON.**

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 154, entitled "An act authorising the laying out a certain state road, from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh;"

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Winter and Mr. Fry, said bill was read a second time, and the sections and title were severally considered and agreed to.

*Ordered*, That it be transcribed for a third reading.

On motion of Mr. Barnard and Mr. M'Meens, the Senate resumed the second reading and consideration of bill, No. 68, entitled "An act to incorporate the Farmers' Brewing Company," postponed on the 29th ultimo, and the question recurring,

Shall the bill be transcribed for a third reading?

A motion was made, by Mr. Barnard and Mr. Brewster, that Senate resolve itself into a committee of the whole, for the purpose of amending the 2d section,

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. R. Smith in the chair, on said bill;

And after some time, the committee rose and reported the section with amendments.

The amendments being under consideration, a motion was made, by Mr. Dewart and Mr. Wurts, to amend the amendment, by striking out of the 11th line the word "the" and inserting "any" which was agreed to.

A motion was made, by Mr. Hubley and Mr. Duncan, further to amend the amendment, by inserting, after the word individual, in the 11th line, these words: "member or"

Which was agreed to. And

The amendment, as amended, was then agreed to.

The question on transcribing again recurring,

The yeas and nays were required, by Mr. Barnard and Brewster, and are as follow, to wit:

#### YEAS.

Messrs. Allhouse,  
Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Groves,  
Herrington,  
Mahon,  
Mann,

#### NAYS.

Messrs. Coleman,  
Dewart,  
Duncan,  
Eyster,  
Feger,

#### YEAS.

Messrs. Markley;  
M'Meens,  
Orr,  
Power,  
Skulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—17.

#### NAYS.

Messrs. Henderson,  
Hubley,  
Robertson,  
Winter,  
Wurts —10.

So it was determined in the affirmative.

*Ordered*, That said bill be transcribed for a third reading.  
Adjourned until 10 o'clock, to-morrow morning.

**Thursday, February 27, 1893.**

Mr. Hubley presented a memorial from sundry citizens of the borough of Reading, remonstrating against an act of incorporation being granted to the Schuylkill Coal Company.

Which was read and laid on the table.

Mr. Fry presented two remonstrances of similar tenor, from sundry citizens of Upper Milford township, in the county of Lehigh, against said township being made a separate election district.

Mr. Fry presented two remonstrances of similar tenor, from sundry citizens of Maccungie township, in the county of Lehigh, against the house of Lucas Trexler, being made the place of holding their elections; and recommending the house of Peter Brinig for that purpose.

And said remonstrances were read and referred to the committee on election districts.

Mr. Herrington presented a petition from sundry citizens of the borough of Milton and its vicinity, praying for aid to the Milton Academy.

Which was read and referred to the committee on education.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared and on this day presented to the Governor, for his approbation, the bills entitled as follow, to wit:

"An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same, from thence through the borough of Mercer to the state line, in a direction to Warren, and a review of the state road from the borough of Indiana to the mouth of Anderson's creek."

"An act to annul the marriage of Francis D. Cummins and Esther his wife."

"An act to authorise the printing of the pamphlet laws of this Commonwealth."

"A supplement to an act entitled "An act for the improvement of the state."

Ordered to lie on the table,

Mr. St. Clair, from the committee to whom had been referred, on the 12th instant, a petition on the subject, on leave given, reported a bill, No. 171, entitled, "An act to regulate the Ferry at New Geneva and Greensburg."

Mr. Hubley read in his place, and on leave given, presented to the chair, a bill, No. 172, entitled "An act to enable poor persons to sue without costs."

And said bills were read the first time.

The bill, No. 160, entitled "An act to authorise the Governor to incorporate the president, managers and company of the Ararat Turnpike Road;" and

The bill, No. 154, entitled "An act to authorise the laying out a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh," were read a third time and passed.

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

The bill No. 184, from the House of Representatives, entitled "A further supplement to an act entitled "An act to incorporate the District of Spring Garden," was read a third time and passed."

The bill, No. 151, from the House of Representatives, entitled "An act vesting the corporation of the city of Philadelphia, and the corporations of the adjoining townships and districts, in the county of Philadelphia, with additional powers," was read a third time; and

On the question,  
Shall the bill pass?

The yeas and nays were required by Mr. R. Smith and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Brewster,  
Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyator,  
Feger,  
Fry.

**NAYS.**

Messrs. Barnard,  
Conyngham,  
Hubley,  
Mann,

**YEAS.**

Messrs. Groves,  
Henderson,  
Herrington,  
Mahon,  
Orr,  
Power,  
Robertson,  
St. Clair,  
Winter,  
Wurts.—20.

**NAYS.**

Messrs. M'Meens,  
Shulze,  
R. Smith,  
Marks, speaker.—8.

So it was determined in the affirmative.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 68, entitled "An act to incorporate the Farmers' Brewing Company," was read a third time; and

On the question,  
Shall the bill pass?

The yeas and nays were required by Mr. Robertson and Mr. Duncan, and are as follow, to wit:

**YEAS.**

**Messrs.** Allshouse,  
Barnard,  
Brewster,  
Cadwallader,  
Conyngham,  
Eichelberger,  
Groves,  
Herrington,  
Mahon,

**NAYS.**

**Messrs.** Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eyster,  
Feger,

**YEAS.**

**Messrs.** Mann,  
Markley,  
M'Meens,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—18.

**NAYS.**

**Messrs.** Fry,  
Henderson,  
Hubley,  
Robertson,  
Winter,  
Wurts—12.

So it was determined in the affirmative.

*Ordered.* That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill, No. 153, entitled "An act making copies of certain documents, records and papers, evidence in courts of justice."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday the 3d of March next.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Barnard in the chair, on bill, No. 159, entitled "An act allowing compensation to Charles Widney, for his services as commissioner for completing a certain public road;"

And after some time, the committee rose and reported the bill with an amendment.

A motion was made by Mr. Dickerson and Mr. Conyngham, that the Senate proceed to the second reading and consideration of said bill;

Which was not agreed to.

Agreeably to order.

The Senate resolved itself into a committee of the whole Mr. Conyngham in the chair, on bill, No. 108, from the House of Representatives, entitled "An act relative to turnpike and bridge companies."

And after some time, the committee rose, reported progress and obtained leave to sit again on Wednesday, the 5th of March.

Adjourned until 10 o'clock, to-morrow morning.



Friday, February 28, 1823.

The bill, No. 159, entitled "An act allowing compensation to Charles Widney, for his services as commissioner for completing a certain public road," was read a second time as reported by a committee of the whole yesterday.

Section 1, being under consideration,

A motion was made by Mr. M'Veens and Mr. Mann, that Senate again resolve itself into a committee of the whole on said bill for the purpose of amendment,

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Dickerson in the chair, on said bill.

And after some time, the committee rose and reported the bill with amendments.

Section 1 recurring, and being again under consideration,

Was agreed to.

Sections 2 and 3 were considered and agreed to.

The title was agreed to, after being amended to read as follows: "An act allowing compensation to Charles Widney, James Addams and John Harman, for their services as commissioners for completing certain public roads."

Ordered, That said bill be transcribed for a third reading.

On motion of Mr. Conyngham and Mr. Brewster, the Senate resumed the second reading and consideration of bill, No. 25, from the House of Representatives, entitled "An act granting compensation to Josiah Lewis, for certain lands certified to Connecticut claimants, in the Seventeen Townships, in the county of Luzerne," postponed on the 20th instant.

The amendments to the section recurring and being again under consideration,

A motion was made by Mr. R. Smith and Mr. Duncan, that the question, together with the bill be postponed for the present.

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 161, from the House of Representatives, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company to supply the said borough with water and to insure against fire."

And after some time, the committee rose and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 164, from the House of Representatives, entitled "An act authorising the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same."

And after some time, the committee rose and reported the bill with amendments.

On motion of Mr. Mann and Mr. R. Smith, the second reading of bill, No. 130, entitled "An act relative to the entry of testamentum si. fas." was resumed.

Whereupon,

A motion was made by Mr. Mann and Mr. R. Smith, that the further consideration of said bill be postponed for the present, and that it be re-committed to the committee on the judiciary system.

Which was agreed to.

The Secretary of the Commonwealth being introduced, presented a message and document from the Governor, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective Houses in which they originated, to wit:

"An act to annul the marriage of Francis D. Cummins and Esther his wife."

"An act to authorise the printing of the pamphlet laws of this Commonwealth."

"A further supplement to an act entitled "An act for the improvement of the state," passed the twenty-sixth day of March, one thousand eight hundred and twenty-one.

"An act authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same, from thence through the borough of Mercer, to the state line in a direction to Warren; and a review of the state road from the borough of Indiana to the mouth of Anderson's creek."

I have also directed to be laid before you, agreeably to the request of the Governor of Georgia, copies of the proceedings of the Legislature of that state, disagreeing to an amendment to the constitution of the United States, proposed by the Legislature of this Commonwealth, limiting the power of Congress to incorporate a bank or other monied institution, to the District of Columbia.

JOSEPH HIESTER.

February 27, 1823.

EXECUTIVE DEPARTMENT, GEORGIA.

*Milledgeville, January 20, 1823.*

SIR: Enclosed you will receive a printed copy of a resolution of the Legislature of this state, expressing their opinion upon the subject of confining the general government, in establishing banks or other monied institutions, within the District of Columbia.

I have to request you will be pleased to lay the same before the Legislature of your state.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN CLARK.

His Excellency,

The GOVERNOR of Pennsylvania.

IN SENATE,

December 20, 1822.

The joint committee on the state of the republic, to whom was referred the correspondence between his Excellency Governor Clark and Governor Bennett of the state of South Carolina, have had the same under consideration, and beg leave to report:

That it does not appear to the committee to be expedient to deny absolutely to the general government, the power to establish a bank beyond the District of Columbia, though they are impressed with the belief, that the original grant of such power should be accompanied with a restriction, requiring the assent of each and every state to the location of the said bank or any branch thereof, within the limits of such state.

They, therefore, recommend the following resolution:

*Resolved*, That the Senate and House of Representatives of the state of Georgia, do not concur in the amendment of the constitution proposed by the state of Pennsylvania, in the following words: "Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia, and every bank or other monied institution which shall be established by the authority of Congress shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia."

*Resolved*, That the Governor of this state, be requested to transmit copies of the foregoing resolution to the Executives of the several states, with a request that they lay the same before the Legislatures thereof.

Read and agreed to.

MATTHEW TALBOT, *President*.

*Attest*—WILL. ROBERTSON, *Secretary*.

In the House of Representatives,

Read and concurred in, December 23, 1822.

ALLEN DANIEL, *Speaker*,

*Attest*—WM. C. DAWSON, *Clerk*.

*Executive Department, Georgia,*

Approved December 28, 1822. }

JOHN CLARK, *Governor*.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act to improve the navigation of the river Lackawaxen."

"A further supplement to an act entitled "An act for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia."

"An act to lay out a state road from Conyngham, in Luzerna county, to the Easton and Wilkesbarre Turnpike, in the county of Northampton."

"A supplement to the act entitled "An act to incorporate the Union Canal Company of Pennsylvania."

And said bills were read the first time.

He informed, that the House of Representatives have concurred in the amendments by the Senate to the bill entitled

"An act vesting the corporation of the city of Philadelphia, and the corporations of the adjoining townships and districts in the county of Philadelphia, with additional powers."

He also presented an extract from the Journal of that House, which was read as follows, viz:

*"In the House of Representatives, February 28, 1823.*

*"On motion,*

*"Ordered, That Mr. Baker and Mr. Hummel, be a committee in conjunction with a committee appointed by the Senate, to take charge of the public buildings at Harrisburg, and to order such repairs and improvements as they may think necessary, provided the expense attending the same do not exceed 200 dollars."*

*Adjourned until 10 o'clock, to-morrow morning.*

## Saturday, March 1, 1823.

Mr. Cadwallader presented a petition, from sundry citizens of Newtown township, in the county of Bucks, praying for certain alterations in the act incorporating the "Trustees of the Newtown Common."

Which was read and referred to Messrs. Cadwallader, Fry and Wurts.

Mr. Wurts presented two petitions of similar tenor, from sundry citizens of the city and county of Philadelphia, praying that the justices of the county, and aldermen of the city, may have concurrent jurisdiction in civil as well as criminal cases.

Which were read and referred to the committee on the judiciary system.

Mr. Wurts presented a petition, from sundry citizens of Philadelphia, praying for a turnpike road, free of toll, from that city to Pittsburg.

Which was read and laid on the table.

Mr. M'Means from the committee on roads, bridges and inland navigation, to whom had been referred on the 22d ultimo, a petition on the subject, reported a bill, No. 177, entitled "An act to authorise a review of a public road from Pine Grove furnace, to the line between the counties of Cumberland and Adams, at or near the house of Henry Resin."

Mr. Barnard from the committee to whom had been referred on the 25th ultimo, a petition on the subject, on leave given, reported a bill, No. 180, entitled "A supplement to the act entitled 'An act to incorporate the town of West Chester, in the county of Chester, into a borough.'"

Mr. Brewster read in his place, and on leave given, presented to the chair, a bill, No. 178, entitled "A supplement to the act entitled 'An act authorising the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes.'"

Mr. Conyngham read in his place, and on leave given presented to the chair, a bill, No. 179, entitled "An act directing the manner in which sheriffs and coroners shall advertise the sale of real estate."

Mr. Barnard read in his place, and on leave given, presented to the chair, a bill, No. 181, entitled "An act for the relief of Lacy Coates."

And said bills were read the first time.

The bill, No. 159, entitled "An act allowing compensation to Charles Widney, James Addams and John Harman, for their services as commissioners for completing certain public roads;"

Was read a third time and passed. And

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Conyngham and Mr. Winter, an item of unfinished business on the journals of the last session, relative to the establishment of justices' courts for the trial of small causes; was referred to the committee on the judiciary system.

A motion was made by Mr. Eyster and Mr. Eichelberger, and read as follows, to wit:

Whereas it frequently happens, that the securities for the payment of debts are ruined, while the persons for whom they became bound have property and means to satisfy the demand.

And whereas, it does not appear to be consistent with the principles of equity and justice that the property of one citizen, should be unnecessarily sacrificed for the debts of another, in which he has no further interest than any other individual, and perhaps no other impression or views at the time he became bound than from the influence and benevolent motives to guaranty the eventual payment of the demand, should the principal fail or be insufficient.

Therefore,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency, of so altering or amending the laws of this commonwealth, that the surety for the payment of debts, should not be liable to execution and distress, so long as the principal can

be reached, and shall have either real or personal property sufficient to satisfy the debt.

Laid on the table.

The bill, No. 161, from the House of Representatives, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire;" was read a second time as reported by a committee of the whole yesterday.

Section one, being under consideration,

A motion was made by Mr. Mann and Mr. R. Smith, to amend the same in the 10th line, by striking out these words: "*fire insurance*," and in the 17th line, to strike out these words: "*and to insure against fire*."

A motion was then made by Mr. Mann and Mr. Shulze, that the question together with the bill, be postponed for the present.

Which was agreed to.

On motion of Mr. Dewart and Mr. Conyngham, the fourth section of said bill as amended in committee of the whole, was ordered to be printed.

The bill, No. 164, from the House of Representatives, entitled "An act authorising the commissioners of the state penitentiary near Pittsburg to alter a part of the plan of the same;"

Was read a second time as reported by a committee of the whole yesterday.

Section one, was considered and agreed to;

Section two, being under consideration,

A motion was made by Mr. Conyngham and Mr. Orr, to amend the same by adding to the end thereof, the following: "*until the completion of the other part of the work, and they are authorized to suspend the erection of the said central building as long after the completion of the other part of the said penitentiary, as they may deem proper*."

Which was agreed to.

And the section, as amended, was then agreed to.

The title was agreed to. And

Ordered, That said bill be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 165, entitled "An act granting compensation to Anthony Weaver, for a lot of land certified to Connecticut claimants, in the Seventeen Townships, in the county of Luzerne."

And after some time the committee rose and reported the bill, with amendments.

On motion of Mr. Hubley and Mr. Conyngham, said bill was read a second time.

The first and only section being under consideration,

A motion was made by Mr. Dickerson and Mr. Duncan, to strike out the following proviso, to wit: "*Provided that the said*

*Anthony Weaver, release to the commonwealth all the right, title and interest he has in and to a lot of land situate in the Seventeen Townships of Luzerne county, surveyed on a warrant to him dated the 30th day of January, in the year of our Lord seventeen hundred and eighty-six."*

On the question,

Will the Senate agree so to amend?

A motion was made by Mr. Hubley and Mr. Conyngham, to amend said proviso in the 24th line, by inserting after the word land, these words, "*containing fifty acres or thereabouts.*"

Which was agreed to. And

The question recurring,

Will the Senate agree to strike out?

It was determined in the affirmative.

A motion was then made by Mr. Dewart and Conyngham, further to amend the section by adding to the end thereof these words, "*in full of any claims he may have against the commonwealth.*"

Which was agreed to.

The section, as amended, was then agreed to.

The title was agreed to, after being amended in the first line, by inserting after Weaver, these words, "*an old soldier.*"

*Ordered*, That said bill be transcribed for a third reading.

Adjourned until 10 o'clock on Monday morning next.

## Monday, March 3, 1823.

Mr. Dewart presented a petition from sundry Roman Catholics of Northumberland county, remonstrating against any alteration being made in the charter of St. Mary's church, in the city of Philadelphia.

Which was read and laid on the table.

Mr. Fry presented a petition from sundry citizens of Maccungie township, Lehigh county, praying that said township may be made a separate election district, and the elections held at the house of Jeremiah Trexler.

Mr. Mahon presented a petition from sundry citizens of Allen township, Cumberland county, praying that said township may be made a separate election district, and the elections held at the house of John Meixel, in said township.

Mr. Dewart presented two petitions of similar tenor, from sundry citizens of Buffaloe and White Deer townships, in the county of Union, praying that parts of said townships may be made a separate election district, and the elections held at the house of Randal Wilcox, in the town of Lewisburg.

And said petitions were read and referred to the committee on election districts.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Daniel Boyles, a revolutionary soldier, made report:

That it appears that the petitioner has a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Thomas Merideth, an old soldier, made report:

That it appears that the petitioner owns a tract of land. Therefore,

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of William Drannon, an old soldier, made report:

That it appears the petitioner is the owner of a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Henry Sauers, an old soldier, made report:

That the petitioner states that he enlisted in the revolutionary war, on the 10th day of September, in the year 1782, for three years. That he continued in the service until 1785, when he was discharged.

Your committee would remark, that the revolutionary war terminated in the year 1783, so that the petitioner could have been, according to his own statement, but one year in service, and as there is no proof of his rendering any service to his country, during that period, and as his statement in part must be incorrect, and as your committee have no correct proof whatever of either his services or poverty. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

On motion of Mr. Dickerson and Mr. Allshouse, said reports and resolutions were severally twice read, considered and adopted.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Jacob Wolf, who states he was a wagon master in the revolutionary war, made report:

That it has not been usual heretofore to grant pensions to wagon masters; and in this case it appears the petitioner owns a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Laid on the table.

Mr. Barnard, from the committee on the militia system, reported two bills, entitled as follow, to wit: Bill, No. 182 "An act to further restrain aldermen and justices of the peace, from taking cognizance of suits against militia officers," and bill, No. 183,



"An act to authorise the cleaning and repairing the public arms and military property of this Commonwealth."

Mr. Coleman, from the committee to whom had been referred on the 26th ultimo, a petition on the subject, on leave given, reported a bill, No. 184, entitled "A further supplement to the act entitled "An act to incorporate the city of Lancaster."

Mr. Cadwallader, from the committee to whom had been referred, on the first instant, a petition on the subject, on leave given, reported a bill, No. 185, entitled "A supplement to the act entitled "An act to incorporate the trustees of the Newtown Commons, in the county of Bucks."

And said bills were read the first time.

On motion of Mr. Groves and Mr. Conyngham, the letter from the commissioners for erecting a penitentiary near Philadelphia, was referred to the committee who have that subject under consideration.

On motion of Mr. Brewster and Mr. Conyngham, the petition from Luzerne county, relative to the establishment of fairs, presented on the 24th January, was referred to Messrs. Brewster, Groves and Cadwallader.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

#### DEPARTMENT OF STATE,

*Secretary's Office, March 3, 1823.*

SIR: I have to request you will be pleased to inform the Senate, that sundry depositions, interrogatories and cross-examinations, taken in the case of Thomas Kitchen, Esquire, a justice of the peace of Northampton county, before John Cooper, Esquire, one of the associate judges of the court of common pleas of the said county, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case made and provided.

I have the honor to be,  
Very respectfully,  
Your obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, JR. Esq.  
Speaker of the Senate.

Ordered to lie on the table.

The bill, No. 164, from the House of Representatives, entitled "An act authorising the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same," was read a third time, and passed; and

Ordered, That the Clerk return said bill to the House of Representatives, with information, that the Senate have passed the same, without amendment.

The bill, No. 165, entitled "An act granting compensation to Anthony Weaver, an old soldier, for a lot of land certified to

Connecticut claimants, in the Seventeen Townships, in the county of Luzerne," was read a third time; and

On the question,  
Shall the bill pass?

A motion was made by Mr. M'Veens and Mr. Dickerson, that the question, together with the bill, be postponed for the present. Which was agreed to.

On motion of Mr. R. Smith and Mr. Power, an item of unfinished business, on the Journals of the last session, page 643, relative to the claim of Casper Shitzer, was referred to the committee on claims.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Fry in the chair, on bill, No. 107, entitled "A supplement to the act entitled "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

And after some time, the committee rose, reported progress and asked leave to sit again.

Whereupon,

A motion was made by Mr. Markley and Mr. Groves, that the committee of the whole be discharged from the further consideration of said bill, and that it be re-committed to the committee on the judiciary system.

Which was agreed to.

On motion of Mr. Coleman and Mr. Cadwallader, the Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 87, from the House of Representatives, entitled "An act to authorise the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Markley and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 144, entitled "A supplement to the act entitled "An act relative to escheats."

And after some time, the committee rose and reported the first section negatived; and

On the question,

Will the Senate agree to the report?

It was determined in the affirmative.

On motion of Mr. Mann and Mr. Barnard, the committee of the whole being in this case dispensed with, the bill, No. 163, from the House of Representatives, entitled "A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes," was read a second time.

The sections and title were severally considered and agreed to; and

Ordered, That said bill be prepared for a third reading.

"An act to authorise the cleaning and repairing the public arms and military property of this Commonwealth."

Mr. Coleman, from the committee to whom had been referred on the 26th ultimo, a petition on the subject, on leave given, reported a bill, No. 184, entitled "A further supplement to the act entitled "An act to incorporate the city of Lancaster."

Mr. Cadwallader, from the committee to whom had been referred, on the first instant, a petition on the subject, on leave given, reported a bill, No. 185, entitled "A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common, in the county of Bucks."

And said bills were read the first time.

On motion of Mr. Groves and Mr. Conyngham, the letter from the commissioners for erecting a penitentiary near Philadelphia, was referred to the committee who have that subject under consideration.

On motion of Mr. Brewster and Mr. Conyngham, the petition from Luzerne county, relative to the establishment of fairs, presented on the 24th January, was referred to Messrs. Brewster, Groves and Cadwallader.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

DEPARTMENT OF STATE,

*Secretary's Office, March 3, 1823.*

SIR: I have to request you will be pleased to inform the Senate, that sundry depositions, interrogatories and cross-examinations, taken in the case of Thomas Kitchen, Esquire, a justice of the peace of Northampton county, before John Cooper, Esquire, one of the associate judges of the court of common pleas of the said county, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case made and provided.

I have the honor to be,  
Very respectfully,  
Your obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, JR. Esq.  
Speaker of the Senate.

Ordered to lie on the table.

The bill, No. 164, from the House of Representatives, entitled "An act authorising the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same," was read a third time, and passed; and

*Ordered,* That the Clerk return said bill to the House of Representatives, with information, that the Senate have passed the same, without amendment.

The bill, No. 165, entitled "An act granting compensation to Anthony Weaver, an old soldier, for a lot of land certified to

Connecticut claimants, in the Seventeen Townships, in the county of Luzerne," was read a third time; and

On the question,

Shall the bill pass?

A motion was made by Mr. M'Veens and Mr. Dickerson, that the question, together with the bill, be postponed for the present.

Which was agreed to.

On motion of Mr. R. Smith and Mr. Power, an item of unfinished business, on the Journals of the last session, page 643, relative to the claim of Casper Shirtzer, was referred to the committee on claims.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Fry in the chair, on bill, No. 107, entitled "A supplement to the act entitled "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

And after some time, the committee rose, reported progress and asked leave to sit again.

Whereupon,

A motion was made by Mr. Markley and Mr. Groves, that the committee of the whole be discharged from the further consideration of said bill, and that it be re-committed to the committee on the judiciary system.

Which was agreed to.

On motion of Mr. Coleman and Mr. Cadwallader, the Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 87, from the House of Representatives, entitled "An act to authorise the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Markley and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 144, entitled "A supplement to the act entitled "An act relative to escheats."

And after some time, the committee rose and reported the first section negatived; and

On the question,

Will the Senate agree to the report?

It was determined in the affirmative.

On motion of Mr. Mann and Mr. Barnard, the committee of the whole being in this case dispensed with, the bill, No. 163, from the House of Representatives, entitled "A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes," was read a second time.

The sections and title were severally considered and agreed to; and

Ordered, That said bill be prepared for a third reading.

On motion of Mr. Conyngham and Mr. Brewster, the Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 55, from the House of Representatives, entitled "An act appointing commissioners to lay out a state road from Catawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga Turnpike, and for other purposes."

And after some time the committee rose, reported progress and obtained leave to sit again to-morrow

Adjourned until 10 o'clock, to-morrow morning.

## Tuesday, March 4, 1823.

Mr. Mann presented a remonstrance from sundry citizens of the county of Bedford, against the passage of a law granting another review of the state road from Bedford to Franklin.

Which was read and laid on the table.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

### SECRETARY'S OFFICE,

*Harrisburg, March 4, 1823.*

SIR: I have to request you will be pleased to inform the Senate that sundry depositions, interrogatories and cross-examinations, taken in the case of Mills Hays, Esq. a justice of the peace of York county, before George Barnitz, Esq. one of the associate judges of the court of common pleas of the said county, have this day been laid before the House of Representatives, pursuant to an act of the general assembly in such case made and provided.

I have the honor to be,

Very respectfully,

Your obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, JR. Esq.

*Speaker of the Senate.*

Mr. Markley, from the committee on the judiciary system, to whom had been referred a petition on the subject, reported a bill, No. 186, entitled "An act authorising John M'Meens and Edward Ritchey, to sell and convey certain lands in Centre county."

Mr. Markley, from the committee on the judiciary system, reported a bill, No. 187, entitled "A further supplement to an act entitled an act for taking lands in execution for the payment of debts and for confirming partition in several instances heretofore made."

And said bills were read the first time.

The bill, No. 163, from the House of Representatives, entitled "A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes," was read a third time and passed; and

*Ordered*, That the Clerk return the same to the House of Representatives, with information, that the Senate have passed the same without amendment.

On motion of Mr. Groves and Mr. Power, the petition presented on the 6th ultimo, relative to the landlord and tenant act, was referred to the committee on the judiciary system.

Adjourned until 10 o'clock, to-morrow morning.

### Wednesday, March 5, 1823.

Mr. Markley presented a petition and document, from William Holgate, of Montgomery county, an old soldier, praying for relief; Which was read and referred to the committee on claims.

The Speaker laid before the Senate, a letter from Joseph Reed, which was read as follows, to wit:

*Harrisburg, March 4, 1823.*

Having superintended the publication of the 6th and 7th volumes of the laws, prepared the index, and abstracts, and inserted the notes of the judicial decisions, agreeably to the directions of the acts of 1821 and 1822, and the same having received the approbation of the judges of the supreme court, (a copy of whose certificate is herewith enclosed) I beg leave respectfully, to call the attention of the Legislature, to the subject of the compensation contemplated by the act of the 8th of February, 1821.

I am sir,

Respectfully,

Your humble servant,

JOSEPH REED.

WILLIAM MARKS, Esq.

*Speaker of the Senate.*

(COPY.)

We, the undersigned, judges of the supreme court of Pennsylvania, certify that we have examined the 6th and 7th volumes of the acts of assembly, printed by John Bieren, (under the superintendence of Joseph Reed, Esq.) and do approve the same. And we consider it but just to the editor, to add, that these volumes contain several very useful tables and notes, not in strictness

*Anthony Weaver, release to the commonwealth all the right, title and interest he has in and to a lot of land situate in the Seventeen Townships of Luzerne county, surveyed on a warrant to him dated the 30th day of January, in the year of our Lord seventeen hundred and eighty-six."*

On the question,

Will the Senate agree so to amend?

A motion was made by Mr. Hubley and Mr. Conyngham, to amend said proviso in the 24th line, by inserting after the word land, these words, "*containing fifty acres or thereabouts.*"

Which was agreed to. And

The question recurring,

Will the Senate agree to strike out?

It was determined in the affirmative.

A motion was then made by Mr. Dewart and Conyngham, further to amend the section by adding to the end thereof these words, "*in full of any claims he may have against the commonwealth.*"

Which was agreed to.

The section, as amended, was then agreed to.

The title was agreed to, after being amended in the first line, by inserting after Weaver, these words, "*an old soldier.*"

*Ordered*, That said bill be transcribed for a third reading.

Adjourned until 10 o'clock on Monday morning next.

## Monday, March 3, 1823.

Mr. Dewart presented a petition from sundry Roman Catholics of Northumberland county, remonstrating against any alteration being made in the charter of St. Mary's church, in the city of Philadelphia.

Which was read and laid on the table.

Mr. Fry presented a petition from sundry citizens of Maccungie township, Lehigh county, praying that said township may be made a separate election district, and the elections held at the house of Jeremiah Trexler.

Mr. Mahon presented a petition from sundry citizens of Allen township, Cumberland county, praying that said township may be made a separate election district, and the elections held at the house of John Meixel, in said township.

Mr. Dewart presented two petitions of similar tenor, from sundry citizens of Buffaloe and White Deer townships, in the county of Union, praying that parts of said townships may be made a separate election district, and the elections held at the house of Randal Wilcox, in the town of Lewisburg.

And said petitions were read and referred to the committee on election districts.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Daniel Boyles, a revolutionary soldier, made report:

That it appears that the petitioner has a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Thomas Merideth, an old soldier, made report:

That it appears that the petitioner owns a tract of land. Therefore,

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of William Drannon, an old soldier, made report:

That it appears the petitioner is the owner of a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Henry Sauers, an old soldier, made report:

That the petitioner states that he enlisted in the revolutionary war, on the 10th day of September, in the year 1782, for three years. That he continued in the service until 1785, when he was discharged.

Your committee would remark, that the revolutionary war terminated in the year 1783, so that the petitioner could have been, according to his own statement, but one year in service, and as there is no proof of his rendering any service to his country, during that period, and as his statement in part must be incorrect, and as your committee have no correct proof whatever of either his services or poverty. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

On motion of Mr. Dickerson and Mr. Allshouse, said reports and resolutions were severally twice read, considered and adopted.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Jacob Wolf, who states he was a wagon master in the revolutionary war, made report:

That it has not been usual heretofore to grant pensions to wagon masters; and in this case it appears the petitioner owns a tract of land. Therefore

*Resolved*, That the committee be discharged from any further consideration of the subject.

Laid on the table.

Mr. Barnard, from the committee on the militia system, reported two bills, entitled as follow, to wit: Bill, No. 182 "An act to further restrain aldermen and justices of the peace, from taking cognizance of suits against militia officers," and bill, No. 183,



"An act to authorise the cleaning and repairing the public arms and military property of this Commonwealth."

Mr. Coleman, from the committee to whom had been referred on the 26th ultimo, a petition on the subject, on leave given, reported a bill, No. 184, entitled "A further supplement to the act entitled "An act to incorporate the city of Lancaster."

Mr. Cadwallader, from the committee to whom had been referred, on the first instant, a petition on the subject, on leave given, reported a bill, No. 185, entitled "A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common, in the county of Bucks."

And said bills were read the first time.

On motion of Mr. Groves and Mr. Conyngham, the letter from the commissioners for erecting a penitentiary near Philadelphia, was referred to the committee who have that subject under consideration.

On motion of Mr. Brewster and Mr. Conyngham, the petition from Luzerne county, relative to the establishment of fairs, presented on the 24th January, was referred to Messrs. Brewster, Groves and Cadwallader.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read as follows, to wit:

DEPARTMENT OF STATE,

*Secretary's Office, March 3, 1823.*

SIR: I have to request you will be pleased to inform the Senate, that sundry depositions, interrogatories and cross-examinations, taken in the case of Thomas Kitchen, Esquire, a justice of the peace of Northampton county, before John Cooper, Esquire, one of the associate judges of the court of common pleas of the said county, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case made and provided.

I have the honor to be,

Very respectfully,

Your obedient servant,

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, JR. Esq.

Speaker of the Senate.

Ordered to lie on the table.

The bill, No. 164, from the House of Representatives, entitled "An act authorising the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same," was read a third time, and passed; and

*Ordered,* That the Clerk return said bill to the House of Representatives, with information, that the Senate have passed the same, without amendment.

The bill, No. 165, entitled "An act granting compensation to Anthony Weaver, an old soldier, for a lot of land certified to

Connecticut claimants, in the Seventeen Townships, in the county of Luzerne," was read a third time; and

On the question,  
Shall the bill pass?

A motion was made by Mr. M'Veens and Mr. Dickerson, that the question, together with the bill, be postponed for the present. Which was agreed to.

On motion of Mr. R. Smith and Mr. Power, an item of unfinished business, on the Journals of the last session, page 643, relative to the claim of Casper Shirtzer, was referred to the committee on claims.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Fry in the chair, on bill, No. 107, entitled "A supplement to the act entitled "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

And after some time, the committee rose, reported progress and asked leave to sit again.

Whereupon,

A motion was made by Mr. Markley and Mr. Groves, that the committee of the whole be discharged from the further consideration of said bill, and that it be re-committed to the committee on the judiciary system.

Which was agreed to.

On motion of Mr. Coleman and Mr. Cadwallader, the Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 87, from the House of Representatives, entitled "An act to authorise the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Markley and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 144, entitled "A supplement to the act entitled "An act relative to escheats."

And after some time, the committee rose and reported the first section negatived; and

On the question,

Will the Senate agree to the report?

It was determined in the affirmative.

On motion of Mr. Mann and Mr. Barnard, the committee of the whole being in this case dispensed with, the bill, No. 163, from the House of Representatives, entitled "A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes," was read a second time.

The sections and title were severally considered and agreed to; and

*Ordered*, That said bill be prepared for a third reading.

*Extract from the minutes, December 24, 1821.*

**"Resolved,** That the president shall have the power to compound with the owners of lands, &c. for damages which they may sustain in the progress of the works; and also to enter into contract for the purchase of such lands and water rights along the line of the canal as may be deemed necessary for the use of the same, which contracts shall be good and binding on this company; subject, however, to the approbation of the board of managers, whenever the amount of contract or purchase shall exceed the sum of three thousand dollars. The particulars of all such agreements, designating the amount of compromise or purchase money, and the time of payments to be regularly furnished to the board.

2d. That the engineer be authorised to settle and adjust (subject to the approbation of the president,) the terms of all contracts for the execution of the works, and for providing the necessary materials: the same when exceeding five hundred dollars, shall be reduced to writing, and if approved by the president, shall be signed by him on behalf of the company. But no contract entered into as aforesaid, which shall involve an expenditure of more than five thousand dollars, shall be finally obligatory until sanctioned by the board of managers."

*Extract from the President's Letter to L. Baldwin,  
dated December 24, 1821.*

"I have thrown out my ideas as to the arrangement of the lockage, for your consideration, and perhaps you may entirely disapprove it. Whatever your opinion may be upon this point, you will oblige me by communicating it, and indeed should you have any reason to think the dimensions which we have fixed upon for our locks and canals, improper, I beg you to say so without reserve, for in conducting the important work confided to our care, it is necessary that there should be the most unreserved interchange of opinions."

*Extract from L. Baldwin's Letter to the President, dated  
LEBANON, Dec. 26, 1821.*

"DEAR SIR:—Your letter, communicating the resolves of the board, relative to the dimensions of the locks, &c. and that of the 24th have duly reached me. I think the board has fixed the size of the locks and canal upon a proper scale; especially when we consider the character of the country, over which the canal is to be made, and the sources which are to feed it. The two rivers may admit an improved navigation upon any extent, however great; and the trade, which will always be great and increasing, upon both streams, will easily conform to it. But in crossing a country like that we are to work upon, for 70 or 80 miles, we ought certainly to look to the facilities of the route, without regarding what may be done on the natural streams, and leave the crossing traffic to shape itself, as it certainly will without difficulty, to the artificial canal.

"You may rest assured, that I shall cheerfully confer with you, upon every material point, connected with the work we have in hand; and nothing will give me more satisfaction, than a free and mutual communication of our opinions, upon the important trust committed to our care. For this purpose I am anxious to see you here, and hope your duties and avocations near home, will soon permit you to join me. In a few days I will write more particularly upon the state of our operations.

With great respect,

L. BALDWIN."

*Extract from the President's Letter, to L. Baldwin.*

*April 1, 1822.*

"Whatever may have been the result of our conversation as to this part of the work, it is, perhaps, fortunate, that nothing has, as yet been done, as the board expect, in a day or two, to be able to submit to your consideration, the drawings and observations made by Mr. Strickland, of the locks, which have been lately adopted in England, and which we are told materially vary from those formerly constructed: thus giving you an opportunity of selecting such parts, as you may conceive, will be useful to us."

*Extract from L. Baldwin's Letter to the President.*

*April 4, 1822.*

"I shall be very much gratified in seeing the drawings of locks, which Mr. Strickland has furnished."

*Extract from the President's Letter to L. Baldwin.*

*May 1, 1822.*

"I offer these general facts and views, as I have before remarked, merely to present to you, a general knowledge of the ground; leaving of course to you, to select the route, which will best suit the line you may run."

*Extract from the President's Letter, to L. Baldwin.*

*June 17, 1822.*

"All that I have said, must be considered as merely expressive of my anxiety, to obtain a passage on the upper line; as without a critical comparison of your various surveys, after they are projected, I will not pretend to come to any decided opinion. To get at a conclusion, we know, all your best efforts are exerted; and we trust, ere long, that you will be able to give us at least a general view of the subject"

*Copy of a Letter from L. Baldwin to the President.*

*LEBANON, June 21, 1822.*

"DEAR SIR:—Since you left me, at Myerstown, I have reflected a good deal upon the subject of our last conversation, and am more convinced, that some alteration of the existing resolves, as well as some new ones of the board, are necessary. I need not go into any details with you, as we conversed so

fully upon the subject; but only state, what I conceive essential arrangements for carrying on the work effectually. The circumstances under which the engineer is placed, are too confined and perplexed, for him to perform his duty with facility and despatch. At present he has not the power of making a single contract by himself, independent of the president or the board—he has no authority to employ assistants, overseers or laborers—he cannot make a single purchase, nor has he any direction or control over the accounts. In short, the engineer has a great deal of labor and responsibility, but no independent power. I would, therefore, repeat, that you may lay them before the board, the observations I made to you in Lebanon. First, that the engineer should be empowered to make all contracts for labor or materials, necessary for carrying on the works. Second, to employ all such assistants overseers or laborers as may be wanted—and thirdly, that he should be the general agent of the company, so far as regards the prosecution of the canal and works connected with it. The two first, I consider indispensable regulations; and the last, as an explicit authority, where, as you observed, it was expected he should necessarily take the management. As to the accounts, the less the engineer has to do with them, the better; but they must arise in the progress of the work, and the engineer is alone the proper person to adjust them. I make these remarks for the consideration of the board, agreeably to your request, in writing. They result from a thorough conviction of their importance, and are offered under a sincere respect I feel for the members of the board, both individually, and as a public body.”

With real esteem and respect,

Your obedient servant,

L. BALDWIN.”

*Extract from the President's Letter to L. Baldwin, July 2, 1822.*

“As I stated to you at Lebanon, every disposition exists in the board to meet your views, in relation to the mode of conducting the work, so far as in their opinion, it can be done consistently with the responsibility which they are under to their stockholders, to preserve a due superintendence over the works and for the purpose of altering the existing regulations. Your letter of the 21st has been referred to a committee.”

*Extract from the minutes, July 8th, 1822.*

“The committee appointed at the last meeting upon Mr. Baldwin's letter, of June 21st, made report, as follows:

That, on the 24th of December last, certain resolutions were adopted by the board of managers, whereby the sanction of the president was necessary to confirm all contracts, agreements and purchases made by Mr. Baldwin, which has been found

in their operations to be attended with inconvenience and embarrassment. They therefore submit the following resolutions for the consideration of the board.

*Resolved*, That Loammi Baldwin be authorised on behalf of the board, as their general agent, to adjust and settle the terms of all contracts for the execution of the work, and to make purchases of the necessary materials, when any of the said contracts or purchases shall not exceed the sum of two thousand dollars: all contracts or purchases, when they exceed five hundred dollars, shall be reduced to writing: any contract or purchase which may exceed 2,000 dollars, shall be subject to the approbation of the president; but no contract or purchase which may involve the expenditure of more than five thousand dollars shall be binding on the company until sanctioned by the board of managers.

*Resolved*, That L. Baldwin, Esq be authorised to employ such laborers and overseers as may be necessary for the prosecution of the work, the board reserving to themselves the appointment of engineers and principal assistants."

*Copy of President's Letter to L. Baldwin.*

PHILADELPHIA, JULY 10, 1822.

DEAR SIR: I had this pleasure on the 8th, and wait on you with the resolutions, passed by the board, in consequence of your letter of the 21st ult. and trust they will meet your views. The board did not deem it necessary to say any thing in relation to your agency, in the management of the work; as it appears, that this is fully provided for, in your contract, which stipulates that after you have submitted to them, plans of your surveys, locks, &c. "you will faithfully employ your time in the due, proper and effectual execution of said works," and it of course follows, while you are required to perform this duty, that a necessary authority is given to you to comply with your obligation. In relation to the superintendence of the president, it has always been understood that it is to be executed through the engineer, as every motive of respect for his feelings and regard for the interest of the work, must forbid a direct interference with the workmen and contractors. We trust we shall have the pleasure of seeing you shortly.

Remain very truly, yours,

SAML. MIFFLIN.

*Extract from L. Baldwin's Letter to the President,*

*July 1<sup>st</sup>, 1822.*

"Your letter of the 10th inst. I received to-day, in which you communicate the resolves of the board. After the conversation we had relative to the subject matter of these resolves and of your letter, which resulted, as you say, from my letter

of the 21st, I was not a little surprised to find so nearly a repetition of the resolves of the board, passed December 24, 1821. The principal difference being, that the engineer is now allowed to make contracts and purchases to the amount of two thousand dollars, and all contracts or purchases he makes above that sum, must be sanctioned by the president or board; while by the former resolves he could not make any resolves without that sanction. From these last resolves, therefore, I am persuaded the board will still wish to exercise a controul over contracts, and as they deem this necessary to the interest they represent, I feel in duty bound, as well to myself as to the board, to give notice that I cannot consent to continue in the service of the board under such restrictions. I never expected so to be placed, either when I visited Lebanon last July, or when I finally signed the contract with the board. As therefore, it will no longer be satisfactory or acceptable for me to serve the board as engineer, I now give notice agreeably to the terms of our contract, that at the end of two months I wish our contract may cease. I am persuaded the board have always acted under the best motives, both towards me, and the interest of the company, and I assure you, it is from no sudden impulse, that I thus request to quit your service; but I do it from a conviction that the method in which the board thinks it best to carry on the works can never correspond with my views of the subject, and where I cannot work with perfect independence and freedom, I had rather not be employed."

*Extract from the President's Letter, July 15th, 1822, to L. Baldwin.*

"I have received, and laid before the board, your letters of the 5th, 8th and 12th, current. The latter will be particularly noticed hereafter."

*Extract from the minutes, July 15, 1822.*

"Letters from Mr. Baldwin, dated on the 5th, 8th, and 12th instant, were laid before the board, the latter containing notice from him, that he wishes his employment in the service of the company, to cease at the end of two months."

*Copy of L. Baldwin's Letter to the President, July 17.*

LEBANON, JULY 17, 1822.

"DEAR SIR: I have thought a good deal upon that part of my last letter, relating to my resignation, and the resolves you lately forwarded, and am persuaded, that it would have been better to have waited until I should have an opportunity of meeting the board. As it is, I have to request that the board would allow it to rest for the present, if they have not already acted upon it, and that they would suspend all fur-

ther proceedings relative thereto, until I can have the pleasure of meeting them, which will be, I hope, in the course of a fortnight.

With great respect, yours, &c.

L. BALDWIN.

*Extract from the minutes, July 22, 1822.*

"A letter from Mr. Baldwin, dated 17th instant, requesting the board to suspend proceedings upon the notice contained in his letter of the 12th instant, was laid before the board; in which request the board acquiesce."

"*Resolved*, That the committee to procure an engineer, &c. be instructed to take measures to supply the place of Mr. Baldwin, in case he should not continue in the service of the board, and that they be authorised to employ an agent or agents, for that purpose."

*Copy of the President's letter to L. Baldwin.*

*Philadelphia, July 22, 1822.*

"DEAR SIR: I have received and laid before the board, your letter of the 17th, and I am directed to say, that they will, as you request, suspend the proceedings, which would have been necessary, from your letter of the 12th, until they have the pleasure of seeing you.

"Very truly, your friend,

SAMUEL MIFFLIN."

*Extract from the minutes, August 3, 1822.*

"The board proceeded to examine the report of Mr. Baldwin, and on motion, it was

"*Resolved*, That the president be requested to have some understanding with Mr. Baldwin, relative to his letters of the 12th and 17th July last."

*Copy of President's note to L. Baldwin, August 3, 1822.*

"DEAR SIR: You no doubt will see the propriety of having an understanding with you on the subject of your letters of the 12th and 17th ultimo, and as they are referred to, in our minutes, I would suggest the propriety of making your communication in writing, which I shall be happy to receive in time to lay before the board, at their meeting on Monday, at 10 o'clock.

"Very truly, your friend,

SAMUEL MIFFLIN."

*Copy of L. Baldwin's note to the president.*

*Philadelphia, August 3, 1822.*

"DEAR SIR: The subject you allude to, in you note is important, and I intended bringing it before the board, as soon as other business would permit. As I prefer a conference, instead of writing, if you have no objection, I will meet them at the office, on Monday, for that purpose, or at any other time which the board may find most convenient.

With great respect and esteem,

Your obedient servant,

L. BALDWIN."



*Copy of the President's note to L. Baldwin, August 4, 1822.*

"DEAR SIR: I have received your note of yesterday afternoon, and will as early as possible after the meeting of the board, to-morrow at 10 o'clock, communicate their reply.

"Very truly, your friend,

SAMUEL MIFFLIN."

*Copy of the President's note to L. Baldwin, August 7, 1822.*

"DEAR SIR: A committee will meet you at the office at half past eleven o'clock this morning.

"Very truly yours,

SAMUEL MIFFLIN."

*Extract from the minutes, August 5, 1822.*

"The president read a note that he had written to L. Baldwin, Esq. and the answer thereto."

"The following gentlemen, viz: William Read, William Lehman and Jacob Gratz, were appointed a committee with the president, to confer with Mr. Baldwin, in relation to the subject of his letters of the 12th and 17th July last."

*Extract from the minutes, adjourned meeting, August 5, 1822.*

"The committee appointed to confer with Mr. Baldwin, report as follows:

"The committee which was directed to confer with Mr. Baldwin, report, as follows, in relation to the letters of the 12th and 17th ultimo.

"*Report:* That at the conference which took place this morning, Mr. Baldwin requested that he might for the present be permitted to withdraw his offer of resignation, and that he proposes, should the board be still unwilling to accede to his request, in relation to contracts as stated in his letter of the 21st June last, to remain in the service of the board, at least, until the end of the season. Under existing circumstances, the committee recommend that Mr. Baldwin's proposition be acceded to, and that the committee which was directed to look out for another engineer, to supply the place of Mr. Baldwin, should he finally leave the service of the company, be requested to continue their enquiries. All of which is respectfully submitted,

SAMUEL MIFFLIN,  
WILLIAM READ,  
JACOB GRATZ,  
WILLIAM LEHMAN."

*Extract from the minutes, August 6, 1822.*

"The surveys and plans of the Tulpehocken and mountain route from the east end of the summit level to Schuylkill, submitted by L. Baldwin, Esq. being unaccompanied with any estimate of their probable cost;

*Resolved,* That Mr. Baldwin be requested to make such further examinations, particularly of the most difficult parts, as will enable him to present estimates for the consideration of the board.

*Resolved*, That Mr. Baldwin be requested to run a level from some convenient point between Ley's spring and Bosler's dam, to the turnpike, east of Womelsdorf, for the purpose of ascertaining the most convenient mode of passing the depressions and elevations between those two points.

*Resolved*, That Mr. Baldwin be requested to prepare plans of his locks at the eastern termination of the summit.

*Resolved*, That Mr. Baldwin be requested to lay out the feeders for the summit level, and adopt measures to have them completed.

It was also resolved, that it is expedient to obtain the opinions of Mr. Thomas Oakes and Mr. William Strickland, in conjunction with Mr. Baldwin, upon the two routes designated by the latter gentleman, from the summit to the Schuylkill, provided the services of Messrs. Oakes and Strickland can be had upon suitable terms. That the president be authorised and requested to confer with the Schuylkill navigation company, and Mr. Oakes, as to his services; and that Mr. Lehman be requested to confer with Mr. Strickland."

*Copy of the President's Letter to L. Baldwin.*

PHILADELPHIA, August 7, 1822.

"DEAR SIR: I enclose you a copy of the resolves of the board, passed yesterday, in relation to the points to which the board wish to direct your attention on your return to Lebanon, and I beg further to state, that the board accept of your proposition to withdraw your offer of resignation, made in your letter of the 12th June, and to continue in their service, at least until the end of the season."

Very truly, yours,

SAMUEL MIFFLIN."

*Copy of the President's Letter to James C. Biddle, Secretary of the Company.*

READING, August 10, 1822.

"DEAR SIR: I have seen Mr. Oakes, and he has promised, if his health will permit, and the board consents, that he will attend the proposed examination. Mr. Baldwin says he will be ready in about two weeks. I would advise an immediate application to the board of Schuylkill Navigation Company, for the purpose of obtaining for Mr. Oakes, formal permission; and as I shall be with Mr. B. I will arrange for a more definite time, and inform the board. Mr. Oakes seems to decline any compensation; but I told him the board would act towards him and Mr. Strickland alike. We are just starting for Lebanon.

In haste,

SAMUEL MIFFLIN."

*Copy of President's Letter to James C. Biddle, Secretary.*

LEBANON, August 20, 1822.

"DEAR SIR: In my letter of the 17th, I stated that in my next I expected to be able to fix some time, for the proposed view, and

having, on Sunday, again mentioned the subject to Mr. Baldwin, he replied, that he could be prepared to shew the ground to Messrs. Strickland and Oakes, in the course of the ensuing week. I find, however, by a conversation which I had with him last evening, that he does not appear satisfied with the measure at least, until he has fully complied with the last resolves of the board, in relation to an estimate, &c. And he is further dissatisfied with the board's having determined to ask the opinion of others, without having consulted his view of the subject. In reply, I remarked, that when I introduced to him in Philadelphia, the wish of the board, he simply replied, that the board could adopt any measures they thought proper; thus precluding any discussion; and that both before and after, I had spoken to Mr. Oakes, in Reading, he mentioned about two weeks as the time, he would be prepared to go into the proposed examination, and that the same opinion had been confirmed in our conversation of Sunday; that I did not believe the board were desirous of urging a decision, as to the route, sooner than the nature of the question would admit; but as it was all important to the interest of the stockholders, and the work itself, that every possible light should be sought for, and as his report had expressed no opinion, which would guide the decision of the board, they were desirous of obtaining that of the above named gentlemen. That on two occasions in Reading, the last in presence of Mr. Oakes, I had submitted to him the time when the parties should meet, and that without stating his present view, he had named two weeks from that time, and which he confirmed on Sunday.

A great deal more was said on both sides by way of illustrating our respective opinions, when we separated. This morning, prior to his departure for Womelsdorf, I again requested him to name a period when he could be ready, and he replied in about three weeks, which I remarked would be about the 10th September. This period he proposed to fix, saying that as he should devote all his time to bring the matter to a conclusion, he possibly might be ready before, or if from any unforeseen circumstance he should not be ready, he could advise the board. Under every view of the subject, I am decidedly of opinion, that we had better wait until that period, as I do not think it would be correct, in relation to any of the parties, to bring Messrs. Oakes and Strickland on the ground until Mr. Baldwin is prepared to give them full information. The situation would be embarrassing to himself and to the other gentlemen, and in all probability, would not produce what the board are in pursuit of, a satisfactory opinion from any of the parties.

A conversation on Sunday, was introduced by Mr. Baldwin, stating, that after much reflection he had determined, if it met the approbation of the board, to remain in their service under the existing regulations, or any other which might hereafter be established, and as he further remarked, that after all which had passed upon the subject, he did not wish to make any further observation. I simply replied that I would make his determination known to the board.

As the period for the proposed view will in all probability be now delayed longer than I expected, I shall, unless otherwise directed, return to the city by the latter end of this month, when all the necessary arrangements can be made for my joining the other parties by the 10th of September.

Very truly, your obedient,  
SAMUEL MIFFLIN.

*Extract from the President's, Letter to Leamm Baldwin,  
August 25, 1822.*

"As the additional surveys and examination directed by the board, when you were in Philadelphia, are not yet completed, I shall return home by the Tuesday's stage, and must request so soon as your report is prepared, to forward it to the board, when it is probable a committee will be appointed to attend the proposed views, which I need not tell you, the board are anxious should take place as early as possible. It may be proper to state that Mr. Alexander Provost has been appointed to superintend the mason work, and as such, has been directed to place himself under your orders."

READING, SEPTEMBER 24, 1822.

GENTLEMEN: I duly received a letter from Mr. Roberts, the treasurer of the Union Canal Company, dated September 16, in which he notified me that a committee of the board would meet at Reading, on Thursday following, and that Mr. Strickland would accompany the committee. Having met the committee according to said notice, I proceeded to show them, and have shewn them, accompanied by Mr. Strickland, the various lines and routes I had surveyed for the Union Canal, from the summit level to the Schuylkill; but of the nature of Mr Strickland's connection with the board or the works, the board have not informed me.

With great respect and esteem,

Your obedient servant,

L. BALDWIN.

To Messrs. GRAFF, and others,  
Committee of Board of Managers.

READING, SEPTEMBER 24, 1822.

DEAR SIR: By the terms of the contract between me and the Union Canal Company, it is provided that the same may be terminated by either party on giving two months notice, and as circumstances require my leaving their service, I would now give notice that I wish the contract may terminate at the end of two months. It is with regret that I shall leave the service of a company for which I have always entertained the highest respect; for whose undertaking I have felt a great in-

terest, and for the complete success of which my warmest wishes will attend them. \*

With great respect and esteem,

Your obedient servant,

L. BALDWIN.

SAMUEL MIFFLIN, Esq.

President of the Union Canal Company.

*Extracts from Report of the Committee, September 30, 1822.*

"Having arrived at Reading on the evening of the 24th, Mr. Baldwin presented to the president two letters of the same date, one addressed to Charles Graff, and others, stating that he had performed the duty assigned to him by the resolves of the 6th of August. And the other addressed to the president, tendering his resignation within two months from that date. Both these letters are herewith submitted. In the verbal explanation which Mr. Baldwin gave of his motives for this measure, he stated that the appointment of engineers to view his work should not have been made without a previous consultation with himself, when, if it had been determined upon, the request for their attendance should have gone through him, that the course adopted by the board was injurious to his personal and professional feelings, inasmuch as it evinced a want of confidence in his talents, and that under such impressions he felt it his duty to retire from the service of the company; but which, however, he said he did with great reluctance, as he was delighted with the work, and had a great personal regard for all the members of the board. In reply, it was remarked that the measure had been adopted, as his report of the 2d August did not contain any opinion as to which was the best of the routes which he had presented to the board, and that he had, when in Philadelphia, declined deciding that point; thus leaving the responsibility entirely with the board. That preceding the presentation of his report he had notified his determination to resign his station as engineer, and that under those embarrassing circumstances, the board felt it their duty to obtain every possible light upon the important point as to which is the best route to descend to the Schuylkil; but that desire was totally unconnected with any wish to wound either his personal or professional feelings, for both of which the committee assured Mr. Baldwin, the board felt the highest respect. That as to the mode in which the opinion of Messrs. Oakes and Strickland was to be obtained, it was stated that the wish of the board had been communicated to him in Philadelphia by the president; but by his reply, having precluded all discussion on a subject which the board thought of so much importance, it was impossible, at that time, to enter into those explanations which would, in all probability, have prevented the present discussion. That the subject had been introduced to

him twice in Reading, once in presence of Mr. Oakes, when a time for the view had been agreed upon without any objection having been made on his part, that it had been repeated to him at Lebanon. at the moment after he had proposed remaining in the service of the board and that it was not until after the lapse of a day that he had stated at large his objections to the measure, and which seemed to apply rather to the time when it was to take place, than the step itself, which it appeared to him the board was desirous should take place before he had performed the duty assigned to him by their resolves, and it was particularly stated to him that, the morning after this conversation, when it was agreed to fix the time of the view, after his report had been made, he had remarked to the president that he begged to be understood that he considered such consultation with other engineers not at all unusual. Your committee forbear making any comment upon this statement, further than to remark, that every thing which Mr Baldwin has considered as offensive in this measure, was known to him while in this City, and at the time he communicated to the president his wish to remain in the service of the board."

SAML MIFFLIN,  
CHARLES GRAFF,  
GEORGE VAUX,  
WM. W. FISHER,  
JNO. CLEMENT STOCKER. }

*Extract from the minutes, October 1, 1822.*

"*Resolved*, That the board in considering the letter of resignation of Mr. Baldwin, cannot consent to part with him without disavowing any intention to wound his feelings by requesting Messrs. Oakes and Strickland, to accompany their committee; on the contrary, they hereby declare that they think highly of his professional talents, and are willing to continue him in their service, provided this explanation is satisfactory to him."

PHILADELPHIA, Oct. 2, 1822.

DEAR SIR: At a meeting of the board of managers of the Union Canal Company, held yesterday, I was directed to send you the enclosed resolution; which, I trust, will satisfy your mind, as to the views with which their resolve of the 6th of August, was passed.

Very truly, your friend,  
SAMUEL MIFFLIN.

*Loammi Baldwin, Esq.*

Engineer of the Union Canal, Lebanon.

LEBANON, Oct. 21, 1821.

DEAR SIR: Your letter of the 2d October, was duly received; in which you communicate the resolutions of the board, dated August 5th and October 1st: the former in these words: "*Resolved*, That it is expedient to obtain the opinions of Mr. Thomas Oakes and Mr. William Strickland, in conjunction with Mr. Baldwin, upon the two routes designated by the latter gentleman, from the summit level to the Schuylkill."

The latter resolve is in the following words: "*Resolved*, That the board, in considering the letter of resignation of Mr. Baldwin, cannot consent to part with him, without disavowing any intention to wound his feelings, by requesting Messrs. Oakes and Strickland, to accompany their committee; on the contrary, they hereby declare, that they think highly of his professional talents, and are willing to continue him in their service; provided this explanation is satisfactory to him."

In answer to this communication, I beg you to inform the board, I take the second resolution as satisfactory, that the board had no "intention to wound my feelings in requesting Messrs. Oakes and Strickland to accompany their committee," and that I am willing to withdraw my resignation and to continue in the service of the board.

With respect and esteem,  
Your obedient servant,

L. BALDWIN.

SAMUEL MIFFLIN, Esq.

President of the Union Canal Company.

LEBANON, October 21, 1822.

DEAR SIR: I have now before me, the following resolutions and instructions of the board, viz: Two resolutions of 6th August, the first directing me "to prepare plans of my locks at the eastern termination of the summit," and the second, "to lay out the feeders for the summit level, and adopt measures to have them executed."

In your letter communicating the above, you say they are passed in resolution to the points, to which the board wish to direct your attention, on your "return to Lebanon."

In your letter of the 30th ultimo, you communicate a resolution (without date) in which I am directed "immediately to prepare the canal from the eastern termination of the summit, to Haag's, to be let out upon contract and to extend the location of the canal down the creek, as far as it can be done this season, in order that contracts may be entered into, for the execution of the work the ensuing spring."

Mr. Nathans delivered yesterday your letter, of the 18th instant, in which you state you are "directed by the board to say that they are desirous of receiving your plans of the proposed locks, in order, that arrangements may be made to get the stone out this winter, and for the commencement of their execution early the ensuing spring."

Under these different resolutions and instructions, I feel much embarrassed and perplexed how to proceed. I know full well the necessity of due attention to every subject, to which the board, as above, have directed my notice. Indeed, I know of no other, on which I could be employed in the service; and without attention to them, I must have been totally idle. I have reflected a good deal upon, and made some sketches and designs, which you had seen, relative to the locks, and

had actually commenced working upon the feeders, before any of the above resolutions were passed. These several subjects all come immediately within the range of my duty, in the service of the board ; they had all been under careful examination and reflection; and if the board had passed no resolution, and gave no instructions, relative to them, I should have proceeded with my utmost ability and exertions, to have them properly arranged and undertaken, in the order their relative importance demanded, and according to the method and system I had previously fixed. Any such instructions from the board I consider, therefore, as wholly unnecessary, and tending only to derange any plan of operation, I had or might have adopted for their due execution; and serving to perplex and embarrass me in the regular progress of the work. But, as the board have given directions upon the works, I desire them to state explicitly, the order in which they wish the several subjects to be attended to ; for I cannot attend to all the different branches of the work, at once. Shall I first prepare the plans, &c. of the locks ? Or, shall I first proceed upon the feeders ? Or, lay out the canal, down the Tulpehocken ? Had the board given no instruction, and left me free to follow my own plan according to my own judgment and the circumstances of affairs, I should have had no difficulty in determining what course the work should have taken, and should probably have had each subject disposed of, to the satisfaction of the board.

With great respect and esteem,

Your obedient servant,

L. BALDWIN.

SAMUEL MIFFLIN, Esq.

President of Union Canal Company.

*Extract from the minutes, October 28, 1822.*

"A letter from Loammi Baldwin, Esq. dated 21st October, from Lebanon, withdrawing his resignation, and expressing his willingness to continue in the service of the board, was received."

"A letter from Loammi Baldwin, Esq. dated Lebanon, October, 21, 1822, in relation to the resolves of the board of the 6th August and 30th September, was received. Whereupon, it is resolved, that it be referred to the president and Messrs. Boyd, Vaux, Lehman and Breck."

"Resolved, That the president be directed to inform Mr. Baldwin, that his letter of the 21st, which relates to the resolves of the board of the 6th August and 30th September, is under consideration."

*Extract from the minutes. November 4, 1822.*

"The committee to whom was referred, on the 27th ultimo, the letter of Mr. Baldwin of the 21st preceding, made report as follows : That they have examined the minutes of the board,



and the correspondence of the engineer, relative to the several matters which are complained of in his letter of October 21st, viz. The resolutions of the 6th August, directing him to prepare plans of the locks, at the eastern termination of the summit, and to lay out the feeders; that of the 20th September, directing him to lay out the canal from the summit, eastward; and the president's letter of October 18, requesting him to transmit his plans of the locks. That in this examination, they have studiously endeavored to ascertain, whether there existed, in fact, any discrepancy or incompatibility in these several matters, which could justify Mr. Baldwin in the manner of remark, which he has adopted, or which ought to have produced in his mind perplexity or embarrassment."

"By a vote of the board, it appears, that the length, breadth and lift of the locks, at the summit, were determined in the month of December last; and that the decision of the board in these respects, was approved by the engineer, immediately afterwards. It only remained for Mr. Baldwin to fix, precisely, the plans of the different parts of a lock, of these dimensions, and the manner of execution. For these purposes it was supposed, that time might have been found, in the course of the nine or ten months, which have elapsed; particularly, as it was known, that sketches and models were long since in progress."

"With regard to the feeders, it was understood by the committee, who lately visited the summit, that they were laid out. Mr. Provost was found at work, upon one of them, and Mr. Nathans was long since reported to have been also similarly engaged; and the line of that from Kentner's, was seen to be staked out. It was supposed that these objects could not require any great portion of the engineer's time, considering what was done; and much less was it expected, that they could occupy his whole attention, for many days together, to the exclusion of all other subjects. The board having decided upon the general route of the canal, eastward, the adoption of a resolution directing that it should be laid out, was a natural consequence, though such resolution was certainly not intended to absolve the engineer from attending simultaneously to other duties.

Your committee do not deem it needful to travel in detail through the various matters, mentioned in the correspondence and minutes, because they are satisfied that no member of the board, would at any time, knowingly, require incompatible services from any officer in the employment of the company, and more especially from the engineer. And if by accident, any thing of the kind had arisen, the mere mention of the fact, would have been sufficient to correct the error. Impressed with this belief, and knowing also, the uniform respect and deference which have been shown to Mr. Baldwin, and the disposition which the board has manifested, to accommodate its measures to his views, and to keep secret and bury in oblivion the several unpleasant circumstances which have here-

before occurred, the committee can find no excuse for the style in which this letter is written, and look upon it as evidence of a desire on his part to rid himself of that stipulation in his contract, by which he is bound to hold himself at all times, subject to the control of the board of managers; for Mr. Baldwin, gives it to be understood in terms sufficiently explicit, that any instructions from the board of managers to him, such as are contained in the resolutions referred to, are wholly unnecessary, and serve only to perplex and embarrass. The whole tenor of this communication in fact appears most extraordinary, when it is recollected that the board by their resolve of the 1st instant, had given decided proof of their wish to conciliate, and when Mr. Baldwin had, after near 20 days consideration expressed his entire satisfaction with that resolve.

On the whole, upon, as your committee believe, a candid review of the career of Mr. Baldwin, in the service of the canal company, and with a wish to extend to him the most entire justice, and every respect which may be his due, they are compelled to conclude, that it is scarcely possible to restore that mutual confidence and good will, which is essential to the satisfactory accomplishment of the objects of this company, and that however great may be the inconvenience of a vacancy in this important department of their concerns, that a change is indispensable. They therefore offer the following preamble and resolution.

The letter of the 21st of October, from Loammi Baldwin, Esq. which relates to the resolves of the 6th August and 30th September, and the president's letter of the 18th of October, being under consideration.

*Resolved*, That the committee in the employment of engineer and assistants, do take measures for engaging an engineer in the place of Mr. Baldwin, and that a copy of this resolution be communicated to that gentleman, as notice that this board have determined to dissolve their contract with him at the expiration of two months from the receipt of this resolution.

SAMUEL MIFFLIN,  
WILLIAM BOYD,  
SAMUEL BRECK,  
GEORGE VAUX,  
WILLIAM LEHMAN,

*Committee.*

Whereupon, on motion, the said report and the resolution thereunto attached, were unanimously agreed to.

PHILADELPHIA, November 4, 1822.

DEAR SIR: At a meeting of the board of managers, of the Union Canal Company, held this morning, I was directed to hand you the enclosed resolution, and to state that the measure is founded upon the general tenor of your letter, therein referred to.

It is, I assure you, with much pain that the board have found itself compelled to adopt this step; but which I am desired to state, is entirely unconnected with any want of respect to your

character. The board are satisfied that we shall never agree upon some material points connected with their undertaking, and they, therefore, conceive, that it will conduce to the interest of both parties, that their contract should cease.

In a few days, the board hope to receive the report noticed in your letter of the 30th ultimo, and to learn the precise time when a part of the eastern descent will be ready for contract.

I remain, very truly, yours,

SAMUEL MIFFLIN.

LOAMMI BALDWIN, Esq. Lebanon.

LEBANON, November 6, 1822.

DEAR SIR: I have just received yours of the 4th, enclosing a resolution of the board of the same date, in which the board have instructed their committee to take measures for engaging an engineer in my place, and giving me notice, that in two months the board have determined to dissolve the contract with me.

As the two months notice fixed in the contract was intended to provide against any inconvenience to one party, which might result from a desire suddenly to put an end to the contract by the other, who wished to dissolve the connection, I consider that I am at liberty to leave the work upon the receipt of this notice, and I wish you to inform the board, that it will be no inconvenience to me to quit immediately, and that they need not, in this respect, to consider themselves bound to adhere literally to the terms of the contract, by retaining me any longer. Indeed, having received this notice, it is my wish, and it will be more convenient to me to quit immediately, or in the course of a few days. Should the board, however, consider the contract binding upon both parties, for two months after notice given, or desire that I should continue the two months, I am perfectly willing to remain for that time; for whatever construction may be put upon my conduct, or that of the board, by them or any one else, I cannot part from them without this expression of the great interest I feel for their undertaking, and the sincere respect I entertain for the board.

I beg you to assure the board, that I am exceedingly sorry to learn from your letter, that the general terms of mine of the 21st, should have been the foundation of the above resolve, and that I shall carry with me a consciousness of having, to the extent of my abilities, fully devoted myself to their interest and the important work under their management, together with the lasting regret, that I have not had better opportunities of becoming acquainted with the members of the board, and that I have so seldom had the pleasure of seeing them on the works, to witness its progress, and to see how I have been employed.

You will probably have received the report requested by the board, before this reaches you. To fix the precise time the canal will be ready for contract, is, at present impossible. I did intend in the course of next week, to have given public notice in the papers if I could possibly have carried the survey so far as to war-

rant it. Should I be able to do so, I will give you notice as early as I can.

With great respect and esteem,  
Your obedient servant,

L. BALDWIN.

SAMUEL MIFFLIN, Esq.

President of the Union Canal Company.

*Extract from the President's letter to L. Baldwin, Esq.*

November 11, 1822.

"Your letters of the 5th and 6th have been laid before the board, and I am directed to say, that the board having preserved a profound silence as to the last relations between themselves and their engineer, no attempt was made to supply your place, until after the receipt of your letter of the 21st ultimo, and to this moment, as they are entirely unprovided with any person to succeed you, they are desirous according to their construction of the contract, that you should remain on the works for the two months, unless it is hereafter mutually agreed to dissolve the contract before the expiration of that period.

Very respectfully, your friend,

SAMUEL MIFFLIN.

Laid on the table.

The Speaker also, laid before the Senate a communication from the Chesapeake and Delaware Canal Company, which was read as follows, to wit:

On the 2d of June, 1804, it was resolved unanimously, that the route of the canal should commence at Welch Point, on Elk river, and extend to a point near the Bear tavern. It was also resolved, by a majority of six to four, that it should extend from that point to Mendenhall's, on Christianna creek; but it was understood, that this last section should be open to revision, when the canal should be brought to the Bear tavern. No operations, however, have at any time been commenced on this line, and the present board of president and directors have decided that the whole subject of a route should be again investigated, and have not fixed on any line of canal, either with regard to its course across the Peninsula, or its terminations in the waters of the Chesapeake or the Delaware.

Several engineers and surveyors have been employed by the board at various times. Mr. Benjamin H. Latrobe, formerly of the city of Philadelphia, Mr. Cornelius Howard, of Baltimore, Mr. John Thompson, of Springfield, in this state, and Mr. Daniel Blaney of the state of Delaware, were engaged in the service of the company, previous to the suspension of active operations in the year 1806. Since the election of the present board in the spring of 1822, a committee of survey, consisting of five of its members, have carefully examined the ground over which the ca-

nal must pass. They have also employed the talents and information of Mr. William Strickland of this city, of Mr. Siddall, of the county of Philadelphia, and of Mr. John Randel, jr. of the state of New York. The board have also been peculiarly fortunate in having obtained the promise of the services of Mr. Benjamin Wright of the state of New York, the chief engineer of the Erie Canal and a gentleman of distinguished practical ability. If the board are able to commence any active operations, they expect to receive immediate assistance from Mr. Wright.

A copy of Mr. Strickland's report and estimate is annexed hereto.

The length of six different lines, with estimates of their respective cost, as returned to the board by the engineer, will be found in page 30 of the appendix to Mr. Gilpin's Memoir. That of Mr. Strickland is 14 miles, and the expense is estimated by him at \$702,000. Mr. Randel has not yet returned his reports and estimates; but it is not supposed they will be of less amount than these.

The depth of water in the canal is to be eight feet, but the banks of sufficient height to raise it to nine feet, if necessary.

The breadth of the canal is to be sixty feet on the water line, at least.

The number of locks on the different routes surveyed and located by Mr. Latrobe is 18. by Mr. Strickland 16. Their length eighty feet, and their breadth, twenty feet, with lifts not exceeding eight feet.

A full account of the state of subscriptions, and the number of stockholders up to December, 1821, will be found in pages 40, and 44, of the memoir above referred to. An effort was made in July last, to obtain new subscriptions, but from the want of that encouragement which legislative aid alone can give, it proved abortive.

The practicability of a thorough-cut has been carefully examined by Mr. Latrobe and Mr. Strickland. The opinion of the former will be found in his report to the board of 21st October, 1803, (appendix to Mr. Gilpin's memoir, page 20,) and that of the latter gentleman, in a report of which a copy is hereto annexed. Mr. Randel has, also, very fully examined the nature of such a plan; but the board have not yet received his report relative to it. The other professional gentlemen who have been employed by the board, do not appear to have made it the subject of investigation.

The general proceedings of the company, and extracts of the most important documents from its organization, up to the year 1821, will be found in great detail in the memoir before alluded to, a copy of which was sent to the Legislature, by the board, some time during its last session.

The large draft accompanying these papers, gives a general view of all the routes surveyed for this canal. Those marked with a dark blue line have been regularly surveyed and located by the engineers in the service of the Chesapeake and Delaware Canal Company, before mentioned; those designated by the faint

blue lines are laid down from surveys made by individuals before the incorporation of that company. The scale of the chart is two miles to an inch.

It should also be added, that of all the professional gentlemen employed in the investigation of a plan for this work, the opinion has been unanimous, that it may be executed with very remarkable facilities, and at a very moderate expense, when its large size is taken into view. As it is contemplated for the accommodation of the craft navigating the bays of Chesapeake and Delaware, its dimensions are much larger than those of any similar work in this country.

JAMES C. FISHER, *Chairman.*

H. D. GILPIN, *Secretary.*

### REPORT OF MR. STRICKLAND,

*To the President and directors of the Chesapeake and Delaware Canal Company.*

GENTLEMEN: I have the honor to submit for your consideration, a survey of a route for a canal from Newbold's landing, opposite the Pea Patch Fort, to Back creek.

In exploring this route, I have been governed entirely with the hope of locating a line of canal which should at once present the shortest distance between the navigable waters of the two bays.

The ground embraced by the survey lies on a ridge between the St. George's and Dragon creeks, commonly called Coxe's Neck; extending from Dragon Neck up to the state road which leads from St. George's to Newcastle and Wilmington; thence, crossing said road, and passing the meeting house, to the Buck and Red Lion road, in nearly a straight direction to Jones' Saw-mill dam, which is at the head of the northern branch of St. George's, passing the Buck and Arkentown road; thence, crossing the dividing ridge and proceeding down between the waters of Long and Broad creeks, to Ford's landing, on Back creek.

Along this line the ground is very regular and well adapted for a canal, being principally composed of clay, alternating with loam and gravel. The greatest elevation of the ground is about 70 feet above a mean high water mark of the river Delaware, presenting a gently declining surface of country toward the east and west. You will perceive by the accompanying survey and section, that the route is tolerably straight; the whole distance across, being but 14 miles, affording no visible difficulties to the formation of a good and permanent work, and requiring eight locks, of eight feet lift on each end, making a summit level of 64 feet elevation, and five miles in extent.

The difference between the mean high tides of the Delaware river and Back creek, is one foot nine inches; that of Back creek being the lowest.

In exploring the ground, I have endeavored as far as practicable to keep down the summit level of the canal, by cutting deeply through the ridge, in order to reduce the lockage, and afford greater facilities in feeding the canal.

The ground will not admit of a lower summit level than 6 feet, as it ascends gradually from the two shores until it reaches the height of about 65 or 70 feet, and continuing this height over the middle ground, consequently, the whole depth of cutting will not at any one point exceed twenty feet.

In order to test the practicability of forming a canal along the marshes of St. George's and the Dragon, a line of levels was made up the fast land to the mill-pond at the town of St. George, and another up the Dragon marsh—these routes were found to present abrupt knolls or spurs, intersected with gullies and mirey marsh. It would be impracticable to make a safe canal along either of these marshes in consequence of the infirm texture of the soil, together with the exposure of its banks to the marsh from the sides of the gullies, which extend nearly to the summit of the middle ground between them.

Although these marshes, running as they do from four to five miles in a direction across the peninsula, being nearly on a level, and more than four feet below high water, appear to a casual observer as being well calculated to favor the idea of a thorough cut, yet, after a proper examination of their nature and situation, I am well convinced they will be entirely unfit for such a project, even supposing it to be otherwise practicable.

On the contrary, by following the ridge or table land, great expense will be saved by a lock navigation; as the ground for the whole distance is very favorable, affording good lockage, with easy cutting and draining.

It is proposed to form a basin or dock harbor at Newbold's landing, extending about 250 feet into the bold water of the river; also a dam across Back creek, above the mouth of Long creek, for a similar purpose.

It is here proper to remark, that the route recommended, passes the dividing ridge within three miles of the Elk Forge Feeder at its present termination, and if it should meet your approbation it would be necessary to extend it; and also, to form a feeder from Whiteclay creek, which, together with that already made, will produce a sufficient supply of water for this highly useful and important work.

Yours, very respectfully,

WILLIAM STRICKLAND,

*Philadelphia, 22d July, 1822.*

*Engineer.*

Estimate of the cost of completing the canal on the proposed route from Newbold's landing, opposite the Pea Patch Fort, on the river Delaware, to Ford's landing, on Back creek, exclusive of feeders or reservoirs.

Digging canal, embankments, side drains, and puddling, at \$20,000 per mile, say 14 miles,	\$280,000
Building 16 locks, at \$10,000, - - -	160,000
Basin and tide lock on Delaware, including pier heads, &c. - - -	100,000
Dam and tide locks, on Back creek, - - -	50,000
Four road aqueducts 25 feet span, - - -	60,000
Culverts, - - -	40,000
Log foundation, embankments and culverts, across the Dragon marsh, - - -	12,000
Total cost,	<u><u>\$702,000</u></u>

WILLIAM STRICKLAND, *Engineer.*

Philadelphia, July 23, 1822.

Laid on the table.

On motion of Mr. Wurts and Mr. R. Smith,

*Ordered*, That the usual number of copies of said communications and documents, be printed for the use of the members.

Mr. Conyngham, from the committee to whom had been referred, a resolution on the subject, made the following report, to wit:

*Whereas*, an application has been made from a number of the inhabitants of the state of New York, to the Legislature thereof, for a road from Geneva in the county of Ontario, to Olean Point, intersecting the road from Olean to Kittanning.

*And whereas*, an application has been made to the Legislature of New York, for the enactment of a law, directing the making and opening of a road leading from Hamilton through Olean; thence to unite with the road to Kittanning and Pittsburg.

The distance from Hamilton, by the way of Erie, from Pittsburg, being upwards of two hundred miles, and by the Kittanning road, one hundred and fifty-six, and as the road from Hamilton to Kittanning, will strike the waters of the Allegheny about fifty five miles above Pittsburg, hence it is obvious, that opening the road from Hamilton through Olean, must be of the first importance, and highly conducive to the interest of the citizens of New York; as goods can be transported from that city to Pittsburg, by the proposed road, at a much less expense, than by any other route, as is apparent from an examination of the map.

*And whereas*, an application has been made to the Legislature of New York, for opening a road from Hamilton, to unite with the road leading from Coudersport in Pennsylvania, to Ceres, near the northern line of said state.

And as the states of New York and Pennsylvania are intimately connected, by strong ties of mutual interest and as a reciproca-



tion of benefits ought to be maintained and promoted, and as the government of Pennsylvania, have in the spirit of improvement, caused the road from Kittanning to Olean, and the road from Coudersport to Ceres, to be opened and made, and as it is desirable that the Legislature of New York, with their accustomed liberality and sound policy, should direct by law, that the roads leading from Geneva to Olean, from thence to strike the Kittanning road, at the state line, and from Hamilton to Ceres in said state, be opened and made, for the common benefit of the states of New York and Pennsylvania.

*Therefore resolved, By the Senate and House of Representatives, of the Commonwealth of Pennsylvania, in general assembly met.* That the Governor be, and he is hereby, required, to transmit to the Governor of New York, this resolution and preamble, with a request that he will lay them before the Legislature of that state as early as practicable.

Laid on the table.

On motion of Mr. Shulze and Mr. Conyngham, the Senate proceeded to the second reading and consideration of the amendments by the House of Representatives, to bill, No. 76, entitled "A supplement to the act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

Whereupon,

A motion was made by Mr. R. Smith and Mr. Shulze, that the further consideration of the same be postponed for the present.

Which was agreed to.

On motion of Mr. Duncan and Mr. Cadwallader, the Senate proceeded to the second reading and consideration of the amendments, by the House of Representatives, to the bill, No. 58, entitled "A further supplement to the act entitled "An act to raise and collect county rates and levies."

Whereupon,

A motion was made by Mr. Duncan and Mr. Winter, to postpone the further consideration of the same for the present;

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow:

"An act to authorise the Governor to incorporate the Juniata Bridge Company, in the county of Huntingdon."

"A supplement to the act entitled "An act for the relief of certain owners of real estate, in the district of Southwark, in the county of Philadelphia."

"An act authorising compensation for damages done by state roads."

"An act for the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased."

"A further supplement to an act entitled "An act securing to mechanics and others, payment for their labor and materials in erecting any house or other building, within the city and county of Philadelphia."

"An act to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate."

"An act erecting the town of West Middletown, in the county of Washington, into a borough."

"An act concerning premiums and medals."

"An act to authorise the laying out of a state road, from Danville, in Columbia county, to intersect the Susquehanna and Tioga turnpike."

"An act to authorise the militia of Wharton township, in the county of Fayette, to form a separate battalion."

"An act to incorporate a company for making a turnpike road from Butler, to the Ohio state line, through New Castle."

"An act for the relief of Conrad Hahnen."

"An act for the relief of Lydia Lorain and her children."

"An act for the relief of the widow and legal representatives of William M'Kuown, deceased."

He also returned the bill entitled "An act authorizing the election of an additional constable, in the township of Donegal in the county of Washington, and in the township of Providence, in the county of Bedford," and informed, that the House Representatives, have passed the said bill, with amendments, in which the concurrence of the Senate is requested.

And said bills and amendments were read the first time.

On motion of Mr. Dickerson and Mr. Allshouse, the Senate proceeded to the second reading and consideration, of the amendments by the House Representatives, to bill No 112, entitled "An act authorizing the election of an additional constable, in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

A motion was made by Mr. R. Smith and Mr. Dickerson, that the Senate non-concur in said amendments.

Whereupon,

A motion was made by Mr. Power and Mr. Orr, that the further consideration of the question, be postponed for the present.

Which was not agreed to.

The question on non-concurring, recurring, was agreed to. And

*Ordered,* That the Clerk inform the House Representatives, accordingly.

The bill, No. 168, entitled "An act to annul the marriage of John Phippen and Loves his wife," was read a second time, as reported by a committee of the whole, yesterday.

And on the question,

Will the Senate agree to the first and only section ?

The yeas and nays were required, by Mr. Duncan and Mr. Henderson, and are as follow, to wit:

*YEAS.*

Messrs. Brewster,  
Conyngham,  
Eichelberger,  
Eyster,  
Fry,  
Groves,  
Mahon,

*YEAS.*

Messrs. Markley,  
M'Meens,  
Orr,  
Power,  
Winter,  
Marks, speaker.—13.

*NAYS.*

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Feger,  
Henderson,

*NAYS.*

Messrs. Hubley,  
Mann,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Wurts.—14.

So it was determined in the negative.

The bill, No. 175, from the House of Representatives, entitled "A further supplement to an act entitled "An act for the better employment, relief and support of the poor, within the township of Germantown, in the county of Philadelphia," was read a second time, as reported by a committee of the whole, yesterday.

Section one was considered and agreed to.

Section two being under consideration a motion was made by Mr. R. Smith and Mr. Mann, to amend the same, by inserting after the word "*them*," in the second line, these words: "*with the approbation of two justices of the peace.*"

Which was not agreed to.

The section, was, together with the title, agreed to. And,  
*Ordered*, That said bill be prepared for a third reading.

The bill, No. 95, from the House of Representatives, entitled "An act to repeal a part of the fifth section of an act, entitled a further supplement to an act, entitled an act to amend and consolidate with its supplements, the act entitled an act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," was read a second time, as reported by a committee of the whole, yesterday.

The first and only section, being under consideration, a motion was made by Mr. Eichelberger and Mr. Eyster, to amend the same, by striking from the beginning of the sixteenth line, the word "*and*;"

Which was not agreed to.

A motion was then made by Mr. Hubley and Mr. M'Meens further to amend the section in the 14th and 15th lines, by inserting in each line after the word "*and*" the word "*that*," which was agreed to.

A motion was made by Mr. M'Meens and Mr. Markley, to amend the section by inserting in the 15th line, after "Montgomery," these words: "*Lycoming and Centre*," which was agreed to.

A motion was then made by Mr. R. Smith, and Mr. Mann, further to amend said section, by striking out all that follows the word "*repealed*," in the fifteenth line, to the end of the section.

Which was agreed to.

A motion was made by Mr. Hubley and Mr. Feger, to commit said bill to the committee on the judiciary system;

Which was not agreed to.

The section, together with the title, were then agreed to. And, *Ordered*, That the bill be prepared for a third reading.

On motion of Mr. Conyngham and Mr. Brewster, the Senate again resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 55, from the House of Representatives, entitled "An act appointing commissioners, to lay out a state road, from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes."

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Brewster and Mr. Conyngham, said bill was read a second time, the sections and title were severally considered, and agreed to. And,

*Ordered*, That the bill, be prepared for a third reading.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives, adhere to the amendments, non-concurred in by the Senate to the bill from the Senate, entitled "An act authorizing the election of an additional constable, in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

The bill, No. 170, from the House of Representatives, entitled "An act supplementary to an act, entitled a supplement to an act, entitled an act, erecting part of Cumberland county into a separate county, to be called Perry," having been made the order for to-day;

A motion was made by Mr. Mahon and Mr. R. Smith, that said bill, together with the documents relating thereto, be committed to a committee.

Which was agreed to. And,

*Ordered*, That Messrs. Mahon, Eyster, Hubley, R. Smith and Fry, be the committee.

On motion of Mr. Brewster and Mr. Conyngham, the Senate adjourned, until half past three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

Agreeably to order,  
The Senate proceeded to the consideration of the address, "No.

169, for the removal from office, of Thomas Laird, a justice of the peace, of Columbia county."

And the same having been considered.

A motion was made by Mr. Barnard and Mr. Markley, to postpone the further consideration of said address, for the present.

Which was agreed to.

On motion of Mr. Brewster and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill, No. 17<sup>a</sup>, entitled "A supplement to the act entitled an act, authorizing the holding of special courts, in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes." And after some time, the committee rose, and reported the bill, with an amendment.

On motion of Mr. Brewster and Mr. Conyngham, said bill, was read a second time.

The section, and title, were agreed to. And,

*Ordered*, That said bill, be transcribed for a third reading.

On motion of Mr. Shulze and Mr. Coleman, the Senate resumed the second reading, and consideration, of the amendments, by the House of Representatives, to bill, No. 76, entitled "A supplement to the act entitled an act, to provide for the erection of an additional court, within the city and county of Lancaster."

When a motion was made by Mr. Shulze and Mr. Conyngham, to amend the amendments, in the fourth section, by striking out the word "*second*" in the third line, and insert "*third*," and in the same line, to strike out the word "*March*," and insert these words, "*the present month*."

Which was agreed to.

And the amendments, as amended, were then concurred in. And,

*Ordered*, that the Clerk inform the House of Representatives, accordingly."

The Clerk of the House of Representatives being introduced, informed that the House of Representatives, have concurred in the amendments by the Senate, to the amendments by the House of Representatives, to the bill from the Senate, entitled "A supplement to an act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

On motion of Mr. Mahon and Mr. Dewart, the Senate resolved itself into a committee of the whole, Mr. Markley in the chair, on bill, No. 99, entitled "An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county;"

And after some time the committee rose and reported the bill, without amendment.

On motion of Mr. R. Smith and Mr. Markley, the Senate resumed the second reading and consideration of bill, No. 126, from the House of Representatives, entitled "An act authorizing the court of common pleas of the county of Franklin, to do certain things therein mentioned;" postponed on the 15th ultimo.

The question recurring.

Will the Senate agree to the first section?

It was determined in the affirmative.

Section two being under consideration;

A motion was made by Mr. W. R. Smith and Mr. R. Smith, to amend the same by adding to the end thereof the following, to wit: *"Provided that the said trustees give security to be approved of by the said court for the faithful discharge of his trust."*

Which was agreed to.

The section as amended was then agreed to.

The title was agreed to. And,

*Ordered*, That said bill be prepared for a third reading.

Adjourned until 10 o'clock, to-morrow morning.

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## Friday, March 7, 1823.

Mr. W. R. Smith presented a remonstrance, from sundry Roman Catholics of Cambria county, against altering the charter of St. Mary's church.

Mr. Feger presented four petitions of similar tenor, from sundry citizens of Berks county, praying to be authorized to erect a poor house in said county.

Mr. Brewster presented a petition from sundry citizens of Bradford county, praying for the removal from office of Levingston Jenks, a justice of the peace in said county.

Mr. Wurts presented a memorial, from the Pennsylvania society for the abolition of slavery, relative to a law passed by the Legislature of South Carolina, which prevents free negroes from entering the territory of that state. And praying the Legislature to adopt such measures as they may deem necessary, to avert the evil consequences resulting therefrom.

And said petitions were read and laid on the table.

Mr. Groves presented a petition, from sundry citizens of the city and county of Philadelphia, praying the Legislature to prohibit hawking and peddling, in said district, or to impose such restrictions on them as the community are generally subjected to.

Which was read and referred to the members from the city and county of Philadelphia.

Mr. Wurts presented a memorial, from the Abolition Society of Pennsylvania, remonstrating against the statements made to the Legislature of this state, by a committee of the Legislature of Maryland, on the subject of slavery.

Which was read and referred to the committee who have that subject under consideration.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of Christian Miller, a soldier of the revolutionary war, made report:

That the petitioner states, he enlisted in the year 1777, and served out the term of his enlistment, and that he belonged to the second regiment of Pennsylvania Artillery, commanded by Col. Thomas Proctor; and prays to be granted his donation land. The petitioner's name appears on the books in the Secretary's office, entitled to land, and it also appears, that his land has been drawn.

Therefore,

*Resolved*, That the committee be discharged from any further consideration of the subject.

On motion of Mr. Dickerson and Mr. Orr, said resolution was again read, considered and adopted.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor for his approbation, the bills entitled as follow, to wit:

"An act authorizing the election of a constable in the borough of Bethany, in the county of Wayne."

"A supplement to the act entitled "An act to establish a fourteenth judicial district, and orther purposes."

"An act authorizing the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same."

"An act vesting the corporation of the city of Philadelphia, and the corporations of the adjoining townships and districts, in the county of Philadelphia, with additional powers."

Laid on the table.

Mr. Mahon, from the committee to whom had been committed yesterday, a bill and documents on the subject, reported a bill, No. 208, entitled "An act supplementary to an act entitled "A supplement to an act entitled "An act erecting part of Cumberland county, into a separate county, to be called Perry."

Mr. Mahon, from the committee to whom had been referred petitions on the subject, on leave given, reported a bill, No. 211, entitled "An act to authorize the court of common pleas, of Cumberland county, to grant a review of a part of the turupike road from Carlisle to Hanover."

Mr. Herrington read in his place, and on leave given presented to the chair, a bill, No 212, entitled "An act directing the survey of a route for a canal between Lake Erie and French creek."

And said bills were read the first time.

The bill, No. 178, entitled "A supplement to the act entitled "An act authorizing the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes," was read a third time and passed. And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 175, from the House of Representatives, entitled "A further supplement to an act entitled "An act for the better

employment, relief and support of the poor, within the township of Germantown, in the county of Philadelphia."

The bill, No. 53, from the House of Representatives, entitled "An act appointing commissioners to lay out a state road from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes."

The bill, No. 95, from the House of Representatives, entitled "An act to repeal a part of the fifth section of an act entitled "A further supplement to an act entitled "An act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes." And,

The bill, No. 126, from the House of Representatives entitled "An act authorizing the court of common pleas, of the county of Franklin, to do certain things therein mentioned," were severally read a third time, and passed. And,

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, the former without, and the three latter with, amendments, in which the concurrence of that house is requested.

On motion of Mr Conyngham and Mr. Orr, the Senate proceeded to the second reading, and consideration, of the preamble and resolution, laid on the table yesterday, relative to certain state roads, opened to the state line, and not acted upon by the state of New York.

When a motion was made by Mr. R. Smith and Mr. Brewster, to postpone the further consideration of the same, for the present.

Which was agreed to.

A motion was made by Mr. Brewster and Mr. Coleman, that the Senate proceed to the second reading, and consideration, of the resolution, offered on the thirty-first January, relative to the final adjournment of the Legislature.

Which was not agreed to.

The bill, No. 99, entitled "An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county," was read a second time, as reported by a committee of the whole yesterday.

The section and title, were severally considered and agreed to. And,

*Ordered*, That the bill be transcribed for a third reading.

The bill, No. 92, entitled "An act to provide more effectually for the education of the youth," having been made the order for this day.

A motion was made by Mr. Dickerson and Mr. Markley, that the consideration of the same, be postponed for the present, and that it be recommended to the early attention of the next Legislature.



Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act to extend the charter of the Philadelphia Bank."

"An act for the relief of Simon Krewson, Samuel Cary and Hugh Means, soldiers of the revolutionary war."

And said bills were read the first time.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Orr, in the chair, on bill, No. 158, entitled "An act, authorizing the Secretary of the Land Office, to grant patents for lands, to persons, who shall execute a mortgage thereon, to secure the sums due the commonwealth."

And after some time the committee rose, reported progress, and obtained leave to sit again on Monday next, the 10th instant.

Agreeably to order,

The Senate resolved itself into a committee of the whole Mr. Power, in the chair, on bill, No. 146, from the House of Representatives, entitled "A supplement to the act entitled an act incorporating the Philadelphia Saving Fund Society."

And after some time, the committee rose, reported progress, and obtained leave to sit again on Monday next, the 10th instant.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Robertson, in the chair, on bill, No. 182, entitled "An act further to restrain aldermen and justices of the peace, from taking cognizance of suits, against militia officers."

And after some time, the committee rose, reported progress, and obtained leave to sit again, this afternoon.

On motion of Mr. M'Means and Mr. Markley, the Senate adjourned to meet at half past three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 182, entitled "An act to further restrain aldermen and justices of the peace, from taking cognizance of suits, against militia officers." And after some time, the committee rose, and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 183, entitled "An act to authorize the cleaning and repairing the public arms and military property of this commonwealth."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Barnard and Mr. Power, said bill was read a second time; And,

The section and title, were severally considered and agreed to. *Ordered*, That it be transcribed for a third reading.

On motion of Mr. M'Meens and Mr. Mahon, the Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 166, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg, turnpike road company."

And after some time the committee rose, reported progress, and obtained leave to sit again on Tuesday next, the 11th instant.

Adjourned until 10 o'clock, to-morrow morning.

### Saturday, March 8, 1823.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report,

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day, presented to the Governor, for his approbation, the bills entitled as follow, to wit:

"A supplement to an act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

"An act authorizing the court of common pleas of the county of Franklin, to do certain things therein mentioned."

"A supplement, to an act entitled "An act for the better employment relief and support of the poor, within the township of Germantown, in the county of Philadelphia."

Laid on the table.

Mr. Markley, from the committee on the judiciary system, reported four bills, entitled as follow, to wit:

No. 213, "A further supplement to an act entitled "An act to declare and regulate escheats."

No. 214, "An act to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinnemahoning, in the county of Clearfield."

No. 215, "An act relative to verdicts rendered in suits or actions in different courts of this commonwealth." And,

No. 216, "An act for the more certain administration of justice, within the city and county of Philadelphia."

Mr. M'Meens, from the committee on roads, bridges and inland navigation, reported a bill, No. 217, entitled "A further supplement, to an act entitled "An act to enable the Governor to incorporate a company, for making an artificial road, from the

Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county Northampton."

Mr Dickerson, from the committee on claims, to whom had been referred an item of unfinished business on the subject, reported a bill, No. 218, entitled "An act for the relief of Casper Shirtzer, a soldier of the revolutionary war."

And said bills were read the first time.

The bill, No. 99, entitled "An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county," and the bill, No. 188, entitled "An act to authorize the cleaning and repairing the public arms and military property of this commonwealth;"

Were severally read the third time and passed; and,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Groves and Mr. Duncan, the Senate considered and concurred in the amendment by the House of Representatives, to bill, No. 58, entitled "A further supplement to the act entitled "An act to raise and collect county rates and levies."

*Ordered*, That the Clerk inform the House Representatives, accordingly

On motion of Mr. Mann and Mr. Dickerson, the Senate considered and insisted on their non-concurrence to the amendments, made and adhered to by the House of Representatives, to bill, No. 112, entitled "An act authorizing the election of an additional constable in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

The bill, No. 182, entitled "An act to further restrain aldermen and justices of the peace, from taking cognizance of suits against militia officers;" was read a second time, as reported by committee of the whole yesterday.

The first, and only section, being under consideration,

A motion was made by Mr. Barnard and Mr. M'Meens, to amend the same in the sixth line, by making "*militia*" read "*military*;"

Which was agreed to.

On the question;

Will the Senate agree to the section?

A motion was made by Mr. Hubley and Mr. Feger, that Senate again resolve itself into a committee of the whole, on said bill, for the purpose of amendment;

Which was not agreed to.

A motion was then made by Mr. R. Smith and Mr. Dickerson, further to amend the section by inserting in the ninth line, after the word "*laws*," these words: "*in imposing or collecting fines or forfeitures*;"

Which was agreed to.

A motion was made by Mr. Barnard and Mr. Markley, that the further consideration of said bill, be postponed for the present.

Which was agreed to.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, to wit:

"An act authorizing the election of a constable in the borough Bethany, in the county of Wayne."

"An act vesting the corporation of the city of Philadelphia, and the corporations of the adjoining townships and districts, in the county of Philadelphia, with additional powers."

"An act authorizing the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same."

"A supplement to the act entitled "An act to establish a fourteenth judicial district, and for other purposes."

JOSEPH HIESTER.

*Harrisburg, March 8, 1823.*

Laid on the table.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill, entitled

"An act to improve the navigation of the Susquehanna river."

And said bill was read the first time.

And informed, that the House of Representatives have concurred in the amendments by Senate to the bills entitled as follow, to wit:

"An act appointing commissioners to lay out a state road, from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Newtown and Berwick turnpike, and for other purposes."

"An act authorizing the court of common pleas, of the county of Franklin, to do certain things therein mentioned."

On motion of Mr. Barnard and Mr. Markley, the Senate resumed the second reading and consideration, of bill, No. 182, entitled "An act to further restrain aldermen and justices, of the peace, from taking cognizance of suits, against militia officers."

Section one, recurring, and being under consideration, a motion was made by Mr. W. R. Smith and Mr. Barnard, further to amend the same, by adding to the end thereof, the following:

"Provided, however, that this act shall not be construed to extend to any suits, authorized or required to be brought by a Brigade Inspector, or commanding officer of a volunteer corps, against the collectors of fines, agreeably to the twenty-sixth and thirty eighth sections, of the act, for the regulation of the militia of this commonwealth, or to any suits, authorized or required to be brought by a

*Brigade Inspector, or other military officer, for any penalty, fine or forfeiture, incurred and made payable, by said act."*

Which was agreed to. And,

On the question,

Will the Senate agree to the section, as amended?

The yeas and nays were required by Mr. W. R. Smith and Mr. Henderson, and were as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham  
Dickerson,  
Eyster,  
Fry,  
Herrington,

### YEAS.

Messrs. Mann,  
Markley,  
M'Meens,  
Orr,  
Power,  
R. Smith,  
St. Clair,  
Marks, speaker.—16.

### NAYS.

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Feger,

### NAYS.

Messrs. Henderson,  
Hubley,  
W. R. Smith,  
Wurts,—8.

So it was determined in the affirmative.

The title was agreed to, after striking out the word "*militia*," and inserting "*military*." And,

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill, No. 179, entitled "An act directing the manner, in which sheriffs and coroners shall advertise the sale of real estate."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Tuesday next, the eleventh instant

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill, No. 176, from the House of Representatives, entitled "An act to improve the navigation of the river Lackawaxen."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Barnard and Mr. Hubley, the Senate dispensed with the rule, for going into committee of the whole, on bill, No. 180, entitled "A supplement to an act, entitled "An act, to incorporate the town of West Chester, in the county of Chester, into a borough."

The sections and title, were severally considered and agreed to.

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Power and Mr. Dickerson, the Senate dispensed with the rule, for again going into a committee of the whole, on bill, No. 31, from the House of Representatives, entitled "an act authorizing a review of part of the state road, between the borough of Butler and Mercer."

The section, and title, were severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives being introduced, informed, that the House of Representatives, recede from their amendments to the bill, from the Senate, entitled "An act authorizing the election of an additional constable, in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

He also returned the bill, entitled "An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg turnpike road company, and for other purposes."

And informed, that the House of Representatives have passed the same, without amendment.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 199, from the House of Representatives, entitled "An act to enable the guardians and trustees, of the estate of Samuel Thompson, to dispose of his real estate."

And after some time, the committee rose and reported the bill without amendment.

On motion of Mr. Wurts and Mr. R. Smith, said bill was read a second time.

The sections and title were severally considered and agreed to; And,

*Ordered*, That said bill, be prepared for a third reading.

On motion of Mr. W. R. Smith and Mr. Wurts,

*Ordered*, that the first section of bill, No. 158, as amended be re-printed.

On motion of Mr. Mann and Mr. Power,

*Ordered*, That when the Senate adjourns, it will adjourn to meet, at half past nine o'clock on Monday morning next, and that that be the standing hour of meeting, until otherwise ordered.

Adjourned until half past nine o'clock, on Monday morning next.

## Monday, March 10, 1823.

Mr. Power presented a petition from sundry citizens of Beaver county, praying for the erection of a bridge over the Mahoning Branch of the Beaver river, where the Greensburg and Franklin road crosses the same; and that 500 dollars of an unexpended

balance, appropriated for the improvement of the Beaver river, may be given for that purpose.

And said petition was read and referred to the committee on roads, bridges and inland navigation.

Mr. Power also presented a petition from sundry citizens of Beaver county, praying the Legislature to direct that 100 dollars of an unexpended balance, appropriated to the improvement of the Beaver river, may be expended in the construction and erection of a machine for dressing flax and hemp, in said county.

Which was read and referred to the committee on agriculture and manufactures.

Mr. Eyster presented two remonstrances, accompanied with documents of similar tenor, from sundry citizens of Adams county, against the vacation of the road from Pine Grove Furnace, in Cumberland county, to intersect the Petersburg road in Adams county.

Mr. Duncan presented two remonstrances accompanied with documents, from sundry citizens of Cumberland county, of the same tenor with the foregoing.

Mr. Wurts presented two memorials of similar tenor, from sundry citizens of the Commonwealth, praying the Legislature to aid the Chesapeake and Delaware canal, and for the improvement of the river Susquehanna.

Mr. Groves presented six memorials of like import with the foregoing.

And said remonstrances and memorials were read and laid on the table.

Mr. Wurts presented two petitions of similar tenor, from sundry citizens of the city and county of Philadelphia, praying that the justices of the peace, of the county, and aldermen of the city, may have concurrent jurisdiction, in civil as well as criminal cases.

Which were read and referred to the committee on the judiciary system.

Mr. Hill presented a petition from sundry citizens of Greene county, praying that the charter of the Bank of Brownsville may be renewed.

Which was read and referred to the committee on banks.

Nr. Orr, from the committee on the militia system, reported three bills, entitled as follow, viz:

No. 220, "A supplement to the act entitled "An act for the regulation of the militia of this Commonwealth."

No. 221, "An act to authorize the settlement of certain accounts by the Auditor General;" and

No. 222, "An act to authorize the settlement of certain accounts between the government of the United States, and this Commonwealth."

And said bills were read the first time.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth which was read as follows:

## DEPARTMENT OF STATE,

*Secretary's Office, March 10, 1823.*

SIR: I have to request you will be pleased to inform the Senate that sundry depositions, interrogatories and cross-examinations taken in the case of James Wollaston, Esquire, a justice of the peace, of Chester county, before Isaac Darlington, Esq. president and judge of the fifteenth judicial district, composed of the counties of Delaware and Chester, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case provided.

I have the honor to be, Very respectfully,

Your obedient servant,

ANDREW GREGG, *Secretary*

WILLIAM MARKS, Jr. Esq.

Speaker of the Senate.

Laid on the table.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor for his approbation, the bills entitled as follows, to wit:

"An act authorizing the election of an additional constable, in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

"A further supplement to the act entitled "An act to raise and collect county rates and levies."

"An act confirming the election of managers, for the Waynesburg, Greencastle and Mercersburg Turnpike Road Company, and for other purposes."

Laid on the table.

The bill, No. 180, entitled "A supplement to the act entitled "An act to incorporate the town of West Chester, in the county of Chester, into a borough;" was read a third time and passed.

The bill, No. 182, entitled "An act to further restrain aldermen and justices of the peace, from taking cognizance of suits against military officers," was read a third time; and,

On the question,

Shall the bill pass?

The yeas and nays were required by Mr. Duncan and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Fry,  
Groves,  
Herrington,  
Hill,  
Mann,

**YEAS.**

Messrs. Markley,  
M'Meons,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—17.



*MAYS.*

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Feger,

*MAYS.*

Messrs. Henderson,  
Hubley,  
Robertson,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

*Ordered*, That the Clerk present said bills to the House of Representatives, for concurrence.

The bill, No. 199, from the House of Representatives, entitled "An act, to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate;" and,

The bill, No. 51, from the House of Representatives, entitled "An act, authorizing a review of part of the state road, between the borough of Butler and Mercer;"

Were severally read a third time, and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information, that the Senate have passed the same, the former without, and the latter with, amendments, in which the concurrence of that house is requested.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act, for the relief of the German congregation, in Moore township, Northampton county."

"An act, for the better employment, relief and support of the poor, of the township of Bristol, in the county of Philadelphia."

"An act, for the relief of sundry soldiers and widows of soldiers of the revolutionary war."

"An act, to regulate the public printing."

"A supplement to an act, entitled "An act, appointing commissioners to open and construct a road, in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township. passed 2d April, 1821."

He also returned the bill, entitled "An act appointing commissioners, to lay out a state road, from the bridge, over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia."

And informed, that the House of Representatives, have passed the same with amendments, in which the concurrence of the Senate is requested.

And said bills and amendments, were read the first time.

He further informed, that the House of Representatives have concurred in the amendments by the Senate, to the bill, entitled

"An act, to repeal a part of the fifth section of an act, entitled "A further supplement to an act, entitled "An act, to amend and consolidate with its supplements, the act entitled "An act, for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

A motion was made by Mr. Wurts and Mr. Robertson, and read as follows, to wit:

*Resolved.* That the following rule, when adopted by the House of Representatives, be a rule to regulate the transmission and reception of bills between the two houses, during the present session, to be dispensed with only on the concurrence of two thirds of the members present, in each, to wit:

No bill or resolution, or any thing in the nature of a bill or resolution, shall be transmitted from, or received by, either house, within        days of the time which shall have been agreed upon, by both houses, for the final adjournment of the Legislature.

(On motion,

Said resolution was again read;

And the same being under consideration,

A motion was made by Mr. Wurts and Mr. Robertson, to fill the blank with "*eight*;" Mr. Brewster named "*six*;" Mr. Hubley "*ten*;" and

On the question,

Shall the blank be filled with "*ten*?"

It was determined in the negative.

The question was then taken on filling the blank with "*eight*;"

And determined in the affirmative.

*Ordered.* That the Clerk inform the House of Representatives, accordingly.

A motion was made by Mr. Conyngham and Mr. Mann, and read as follows, to wit:

*Resolved.* That the president and directors of the several chartered banks, within this commonwealth, be, and they are hereby, requested, to state to this house, the number of suits instituted by them, for the recovery of debts; the number of executions issued; in what cases satisfaction was entered, by either purchasing or taking real estate, as security; the number of mortgages, and the whole amount of loss sustained by such bank, designating particularly, the loss by president and directors, from the commencement of their operations of banking to the present time.

Laid on the table.

On motion of Mr. Conyngham and Mr. Brewster, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 101, entitled "An act, appointing commissioners, to lay out a state road, from the bridge, over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia."

*Ordered.* That the Clerk inform the House of Representatives accordingly.

The bill, No. 176, from the House of Representatives, entitled "An act, to improve the navigation of the river Lackawaxen;" was read a second time, as reported by a committee of the whole yesterday.

The sections and title were severally considered and agreed to. And,

*Ordered.* That it be prepared for a third reading.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No 158, entitled "An act authorizing the Secretary of the Land Office, to grant patents for lands, to persons, who shall execute a mortgage thereon, to secure the sums due the Commonwealth."

And after some time, the committee rose, reported progress and obtained leave to sit again, on Wednesday, the 12th instant.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Power in the chair, on bill, No. 146, from the House of Representatives, entitled "A supplement to the act entitled "An act incorporating the Philadelphia Saving Fund Society."

And after some time, the committee rose, reported progress and obtained leave to sit again, on the 17th instant.

The bill, No. 162, from the House of Representatives, entitled "An act for the relief of the Philadelphia Assylum, for the Deaf and Dumb;" having been made the order for this day; and

The same being under consideration,

A motion was made by Mr. Groves and Mr. Duncan, that the question, together with the bill, be postponed, indefinitely.

Whereupon,

The yeas and nays were required by Mr. M'Meens and Mr. Wurts, and are as follow, to wit:

### *YEAS.*

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Groves,  
Henderson,

### *YEAS.*

Messrs. Hill,  
Hubley,  
Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts.—16.

### *NAYS.*

Messrs. Brewster,  
Conyngham,  
Eichelberger,  
Eyster,  
Fry,  
Markley,

### *NAYS.*

Messrs. M'Meens,  
Orr,  
Power,  
Shulze,  
Marks, speaker.—11.

So it was determined in the affirmative.

The Secretary of the Commonwealth being introduced, presented a message and document from the Governor, which were read as follow, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, to wit:

"A further supplement to the act entitled "An act to raise and collect county rates and levies."

"A supplement to an act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

"An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg Turnpike Road Company, and for other purposes."

"An act authorizing the election of an additional constable in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford."

"A further supplement to an act entitled "An act for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia."

"An act authorizing the court of common pleas of the county of Franklin, to do certain things therein mentioned."

I have also directed to be laid before you, copies of a letter from the Governor of the state of Maryland, covering a resolution adopted by the House of Delegates of that state, on the 18th ultimo, relative to the appointment of commissioners to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore, beginning at Conawago falls, or on a point of said river, which the commissioners may deem the most practicable, and also to lay out and survey a route for a canal from the same point on the Susquehanna or Conawago falls, to the head of tide water on the Susquehanna.

JOSEPH HIESTER.

March 10, 1823.

COUNCIL CHAMBER

Annapolis, March 4, 1823.

SIR: In conformity with the directions of the Legislature of this state, I have the honor to transmit to you, the copy of a resolution passed at the last session, directing the Executive to appoint three commissioners to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore, &c. &c. and have to request, that your Excellency will be pleased to cause the same to be laid before the Legislature of the state over which you preside, for the purpose of obtaining their consent, that the said survey may be made, as far as it may extend within the limits of Pennsylvania; and that

the said Commonwealth would unite in promoting a work of such magnitude and importance.

I have the honor to be,

With great respect,

Your Excellency's obedient servant,

SAMUEL STEVENS, Jr.

His Excellency, the GOVERNOR,  
Of the Commonwealth of Pennsylvania.

BY THE HOUSE OF DELEGATES,

February 18, 1823.

No. 28. *Resolved*, That the Governor, by and with the advice and consent of the Council of this state, shall appoint three commissioners, who, or a majority of them, shall be directed to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore beginning at Conawago falls, or on a point of said river, which the commissioners may deem the most practicable; and shall also be directed to lay out and survey a route for a canal from the same point on the Susquehanna or Conawago falls, to the head of tide water on the Susquehanna, and report upon the practicability, the expense and other necessary circumstances attending the same, to the next General Assembly; and that the Governor communicate to the Executive of Pennsylvania, a copy of this resolution, with a request that it may be laid before the General Assembly of that state, and that the commissioners may be permitted to make the said survey, as far as it may extend within the limits of Pennsylvania, and that said state would unite with Maryland, to forward and promote a work of such importance to both, by the adoption of a similar resolution.

By order.

JOHN BREWER, *Clerk*.

*Maryland, act.*

I hereby certify, that the foregoing resolution is a full and true copy, taken from the original deposited in, and belonging to, the office of the court of appeals for the Western Shore of said state. In testimony whereof, I hereunto subscribe my name, and affix the seal of the court of appeals, this fifth day of March, in the year of our Lord one thousand eight hundred and twenty-three.

THOMAS HARRIS,

*Clerk Court Appeals W. S.*

True copy of the one on file in the Executive Department of the state of Maryland.

NINIAN PINKNEY,

*Clerk of the Council.*

Laid on the table.

On motion of Mr. Mann and Mr. R. Smith, the Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on the resolution, No. 37, from the House of Representatives, "Relative to militia fines, assessed for the non-performance of militia duty, during the late war with Great Britain."

And after some time, the committee rose, and reported said resolution without amendment.

On motion of Mr. R. Smith and Mr. Mann, the resolution was read a second time, and adopted. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information, that the Senate have passed said resolution, without amendment.

A motion was made by Mr. Brewster and Mr. Conyngham, that when Senate adjourns, it will adjourn to meet at half past three o'clock, this afternoon; and that that hour be the standing hour for meeting, every afternoon in the week, except Saturday

Which was agreed to.

Adjourned until that hour.

### *SAME DAY—IN THE AFTERNOON.*

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Barnard in the chair, on bill, No. 190, from the House of Representatives, entitled "A further supplement to the act, entitled an act, authorizing the Governor, to incorporate a company, for making an artificial road, from the borough of York, to the borough of Gettysburg, in Adams county."

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Eyster and Mr. Eichelberger, said bill was read a second time.

The sections and title were severally considered and agreed to; And,

*Ordered*, That the bill, be prepared for a third reading.

On motion of Mr. Robertson and Mr. Cadwallader,

The Senate resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill, No. 191, entitled "An act, for the relief of Wilhelm Willink, Hendrick Vollenhoven, and Rutger Jan Shimmelpennick."

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Robertson and Mr. Eichelberger, said bill was read a second time.

The first and only section being under consideration,

A motion was made by Mr. Hubley and Mr. M'Meens, to amend the same in the tenth line, by inserting, after the word "alines," these words: "*not being the subject or subjects of some foreign state or power, which shall be at the time or times of such grant or conveyance, at war with the United States.*"

Which was not agreed to.

The section, together with the title, were agreed to. And, *Ordered*, That the bill be transcribed for a third reading.

On motion of Mr. Hill and Mr. Brewster,

The Senate resolved itself into a committee of the whole Mr. Brewster in the chair, on bill, No. 156, entitled "An act. for the relief of Ann Maria Hubley, widow of an officer of the revolutionary war."

And after some time the committee rose and reported the bill without amendment.

On motion of Mr. M'Meens and Mr. Dewart, the Senate resumed the consideration of the "Address, No. 169, from the House of Representatives, to the Governor, for the removal from office, of Thomas Laird, a justice of the peace of Columbia county." And,

On the question,

Will the Senate agree to said address?

The yeas and nays were taken, and are as follow, to wit:

*YEAS.*

*YEAS.*

Mr. Barnard,

Mr. Mann.—2

*NAYS.*

*NAYS.*

Messrs. Allshouse,  
Brewster,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,  
Henderson,  
Herrington,

Messrs. Hill,  
Hubley,  
Markley,  
M'Meens,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—27.

So it was determined in the negative.

On motion of Mr. Conyngham and Mr. Power, the Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill, No. 174, entitled "An act to lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre Turnpike, in the county of Northampton."

And after some time, the committee rose and reported the bill with amendments.

Adjourned until half past nine o'clock, to-morrow morning.

**Tuesday, March 11, 1823.**

Mr. Duncan presented six petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the improvement of the river Susquehanna.

Mr. Wurts presented two petitions of the same tenor with the foregoing.

And said petitions were read, and laid on the table.

Mr. Brewster presented a petition from sundry stockholders and others, praying that trustees may be appointed by the Legislature, to take charge and settle the concerns of the Silver Lake Bank, in Susquehanna county.

Which was read and referred to the committee on banks.

Mr. Wurts presented a petition from John Gioren, of Philadelphia, praying to be adequately compensated, for the publication of the sixth and seventh volumes of the laws of Pennsylvania.

Which was read and referred to Messrs. Wurts, Brewster and Barnard.

Mr. Dickerson, from the committee on claims, to whom were referred the petition and documents of William Holdgate, who states he was a soldier in the revolutionary war, made report:

That the petitioner states, he joined the American army, in the year 1776; that he was under General Mifflin; that he was in battle with Cornwallis, at Princeton, in the year 1777; and, that he volunteered in the standing army, under General Sullivan; and, that he was at the battle of Germantown, in the year 1778.

The petitioner also states, he was appointed Brigade Major, under Col. Daniel Hiester; and that he remained in that office until the end of the war, under Governor Mifflin. And the petitioner further states, that, during the late war, he raised a volunteer company, composed of sixty-seven men, and marched to Marcus Hook, under the command of General Henry Sheets; and continued there, until discharged.

Your committee would observe, that it appears, the petitioner never was a regular enlisted soldier; but, that the whole of his services were either in the militia, or as a volunteer militiaman, and not in the regular service; and were such services, as every good patriotic citizen was bound to render his country, at all times, when invaded by a savage or desperate foe. Yet however good the policy may be, to extend the charity of the state, to the old, indigent, regular soldier, your committee can see no good reason, why that same charity should be extended to every person, who rendered service in the militia, or as a volunteer:

Therefore,

*Resolved*, That the committee be discharged from any further consideration of the subject.

Laid on the table.

Mr. Markley, from the committee on the judiciary system, reported a bill, No. 228, entitled "A supplement to the act, entitled "An act, to prevent kidnapping."



Mr. Hubley, read in his place, and on leave given, presented to the chair, a bill, No. 229, entitled "An act, providing for the payment of an assistant surveyor, employed in laying out a state road, from Berrysburg, to Reading."

Which bills were read the first time.

The Clerk of the House of Representatives being introduced, presented an extract from the journal of that house, which was read as follows, to wit:

*"In the House of Representatives, March 11, 1823.*

*"On motion,*

*"Resolved, by the Senate and House of Representatives, That the Legislature will adjourn, without day, on Tuesday, the first of April."*

Which was read the first time.

On motion of Mr. Markley and Mr. Brewster, said resolution was again read, considered and adopted.

*Ordered,* that the Clerk inform the House of Representatives, accordingly."

He also presented another extract from the journal of the House of Representatives, which was read as follows, to wit:

*"In the House of Representatives, March 11, 1823.*

*"On motion,*

*"The rule from the Senate, relative to the receipt and transmission of bills, was read the second time, considered and concurred in, with one amendment, viz:*

*"Strike therefrom "eight days," and insert "six days."*

On motion of Mr. M'Meens and Mr. Brewster, the amendment by the House of Representatives, to the foregoing resolution, was considered and concurred in.

*Ordered,* That the Clerk inform the House of Representatives, accordingly.

The bill, No. 190, from the House of Representatives, entitled "A further supplement to the act, entitled "An act, authorizing the Governor, to incorporate a company, for making an artificial road, from the borough of York, to the borough of Gettysburg, in Adams county;" and,

The bill, No. 176, from the House of Representatives, entitled "An act, to improve the navigation of the river Lackawaxen;"

Were severally read a third time and passed; and,

*Ordered,* That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, the former without, and the latter with, amendments, in which the concurrence of that house is requested.

The bill, No. 18, entitled "An act, for the relief of Wilhelm Willink, Hendrick Vollenhoven and Rutger Jan Schimmelpennick," was read a third time and passed; and

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Conyngham and Mr. Brewster, the Senate resumed the third reading and consideration of bill, No. 165, entitled "An act, granting compensation to Anthony Weaver, an old soldier, for a lot of land, certified to Connecticut claimants, in the Seventeen Townships, in the county of Luzerne." And

The question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. Conyngham and Mr. Brewster, and are as follow, to wit:

#### YEAS.

Messrs. Barnard,  
Brewster,  
Conyngham,  
Dewart,  
Eyster,  
Fry,  
Groves,

#### YEAS.

Messrs. Hubley,  
Markley,  
Orr,  
Power,  
Shulze,  
St. Clair.—13.

#### NAYS.

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Feger,  
Henderson,  
Herrington,

#### NAYS.

Messrs. Hill,  
Mann,  
M'Meens,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—16.

So it was determined in the negative.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow:

"An act authorizing supervisors to remove obstructions in navigable streams, in the county of Tioga."

"An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes."

And said bills were read the first time.

He also informed, that the House of Representatives have concurred in the amendments by the Senate, to the bill, entitled

"An act authorizing a review of part of the state road, between the borough of Butler and Mercer."

On motion of Mr. W. R. Smith and Mr. Conyngham, the following resolution was twice read, considered and adopted:

*Resolved*, That the committee on the judiciary system, be instructed to inquire into the propriety of making such alterations in the laws, relative to the crimes of grand larceny and petit larceny, as will place the punishment of those crimes upon a greater equality, than at present exists.

On motion of Mr. Dickerson and Mr. R. Smith, the Senate proceeded to the consideration of the resolution, unfavorable to the claim of Jacob Wolf, an old soldier.

Whereupon,

A motion was made by Mr. Orr and Mr. Allshouse, to postpone said resolution, for the purpose of introducing the following as a substitute:

*Resolved*, That the committee on claims be instructed to bring in a bill, granting to Jacob Wolf, of Armstrong county, or order, forty dollars immediately, and an annuity of forty dollars during life.

Which was agreed to; and

On the question,

Will the Senate adopt the substitute?

It was determined in the affirmative.

Whereupon,

Mr. Dickerson, from the committee on claims, reported a bill, No. 232, entitled "An act for the relief of Jacob Wolf, and old soldier."

Which was read the first time.

The bill, No. 156, entitled "An act for the relief of Ann Maria Hubley, widow of an officer of the revolutionary war," was read a second time.

The first and only section being under consideration.

A motion was made by Mr. Dickerson and Mr. Dewart, to amend the same, in the sixth line, by striking out "*sixty*" and inserting in lieu thereof "*forty*;"

Which was not agreed to.

The section, together with the title, were then agreed to; and

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 174, from the House of Representatives, entitled "An act to lay out a state road, from Conyngham, in Luzerne county, to the Easton and Wilkesbarre Turnpike, in the county of Northampton," was read a second time.

The sections and title were severally considered and agreed to; and

*Ordered*, That the bill be prepared for a third reading.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 91, from the House of Representatives, entitled "An act to authorize the purchase of certain copies of Smith's edition of the laws of Pennsylvania."

And after some time the committee rose, and reported the first and only section negatived.

Which report was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Conyngham in the chair, on bill, No. 184, entitled "A further supplement to the act entitled "An act to incorporate the city of Lancaster."

And after some time, the committee rose, and reported the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 187, entitled "A further supplement to an act entitled "An act for taking lands in execution, for the payment of debts; and for confirming partitions in several instances, heretofore made;"

And after some time the committee rose, reported progress, and obtained leave to sit again to-morrow.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 142, entitled "An act for the relief of George Clark and William Machemer, soldiers of the revolutionary war;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Dickerson and Mr. R. Smith, said bill was read a second time.

The section was agreed to.

The title was agreed to, after being amended to read as follows, to wit: "An act for the relief of sundry soldiers of the revolutionary war."

*Ordered*, That the bill be transcribed for a third reading.

Adjourned until half past three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

On motion of Mr. Coleman and Mr. Henderson, the Senate resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 149, entitled "An act, authorizing the Governor to incorporate the Columbia Water Company;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Shulze and Mr. Conyngham, the Senate resumed the second reading and consideration of bill, No. 161, from the House of Representatives, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation, on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company, to supply the said borough with water, and to insure against fire;"

When a motion was made by Mr. Shulze and Mr. Wurts, that the Senate again resolve itself into a committee of the whole, on said bill, for the purpose of general amendment,

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Fry in the chair, on said bill.

And after some time, the committee rose, and reported the same with amendments.

Adjourned until half past nine o'clock, to-morrow morning.

**Wednesday, March 12, 1823.**

Mr. Markley presented a petition from Joseph Robeson, of Montgomery county, praying to be divorced from the bonds of matrimony.

Which was read and referred to the committee on the judiciary system.

Mr. Hill presented a petition from the president and managers of the Harrisburg, Carlisle and Chambersburg turnpike road company, praying that a provision may be introduced into the acts re-chartering the Carlisle and Chambersburg Banks, which will require them to loan said company a sufficient sum of money, to enable them to pay their debts.

And said petition was read and referred to the committee of the whole, when they may have the subject under consideration.

Mr. Duncan presented ten petitions, relative to the Chesapeake and Delaware canal, and the improvement of the Susquehanna river.

Mr. Wurts presented ten petitions, of like import with the foregoing.

Mr. Hill presented a petition from James Bryant, a justice of the peace of Fayette county, praying to be authorized to hold his office in the house occupied by his son, as a tavern.

And said petitions were read, and laid on the table.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor for his approbation, the bills entitled as follows, to wit:

"An act, appointing commissioners, to lay out a state road, from the bridge, over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia."

"An act, appointing commissioners, to lay out a state road, from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Newtown and Berwick turnpike, and for other purposes."

"An act, authorizing a review of part of the state road, between the borough of Butler and Mercer."

"An act, to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate."

"Resolution, relative to fines assessed for the non-performance of militia duty, during the late war with Great Britain."

Laid on the table.

Mr. Markley, from the committee on the judiciary system, to whom had been re-committed a bill on the subject, reported a bill, No. 233, entitled "An act, relative to mortgages."

Mr. Hill, from the committee to whom had been referred certain claims on the subject, reported a bill, No. 234, entitled "An act, to authorize the accountant officers, to settle and pay certain military accounts."

Mr. M'Meens, from the committee on roads, bridges and inland navigation, to whom had been referred a petition on the subject, reported a bill, No. 235, entitled "An act, for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road."

And said bills were read the first time.

The bill, No. 142, entitled "An act, for the relief of sundry soldiers of the revolutionary war;" and

The bill, No. 156, entitled "An act for the relief of Ann Maria Hubley, widow of an officer of the revolutionary war;" were severally read the third time, and passed; and

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 174, from the House of Representatives, entitled "An act, to lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre Turnpike, in the county of Northampton," was read a third time, and passed.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information, that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

On motion of Mr. Hill and Mr. Dickerson, the following resolution was twice read, considered and adopted, viz:

*Resolved*, That a committee be appointed, to inquire and report to Senate, the most practical and efficacious method, of collecting the outstanding fines assessed under the laws of the United States and of this state, for the non-performance of militia duty during the late war with Great Britain; and also, the best and most effectual method of obtaining settlements with the persons who have been engaged in the collection of such militia fines, and of compelling them to pay over any balance that may remain in their hands.

*Ordered*, That Messrs. Hill, W. R. Smith, Power, Coleman and Conyngham be a committee for that purpose.

A motion was made by Mr. Conyngham and Mr. Brewster, and read as follows, to wit:

*Resolved, by the Senate and House of Representatives*, That the Clerk of the Senate be, and he is hereby instructed to obtain from the office of the Secretary of the Commonwealth, for the use of the Senate, copies; and the Clerk of the House of Representatives, for the use of the House of Representatives, copies of the sixth and seventh volumes of the revised laws of Pennsylvania.

On motion, said resolution was again read; and

The same being under consideration,

A motion was made by Mr. Conyngham and Mr. Brewster, to fill the first blank with "ten;" Mr. Dickerson named "five;" and

On the question,

Will the Senate fill the blank with ten?

A motion was made by Mr. R. Smith and Mr. Conyngham, that the further consideration of said resolution, be postponed for the present.

Which was agreed to.

The bill, No. 184, entitled "A further supplement to the act, entitled an "An act, to incorporate the city of Lancaster;" was read a second time.

The sections and title, were severally considered and agreed to.

The bill, No. 149, entitled "An act, authorizing the Governor to incorporate the Columbia Water Company;" was read a second time.

The sections and title, were severally considered and agreed to.

*Ordered*, That said bills be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow to wit:

"A supplement to the act, entitled "An act, to improve the navigation of the river Monongahela."

"An act, to revive and continue an act, entitled an act, to incorporate the president, directors and company of the Pennsylvania and New Jersey Communication Company, and for other purposes."

Which bills were read the first time.

He also, informed, that the House of Representatives have concurred in the amendments, by the Senate, to the bill, entitled

"An act, to improve the navigation of the river Lackawaxen."

And also, that they have concurred in the amendments by the Senate, to the bill, entitled "A further supplement to an act, entitled "An act to incorporate the district of Spring Garden;" with an amendment, in which the concurrence of the Senate is requested.

He further informed, that the House of Representatives, have non-concurred in the first, and concurred in the last, amendment, by the Senate, to the bill from the House of Representatives, entitled "An act, to lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre turnpike, in the county of Northampton."

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No. 158, entitled "An act, authorizing the Secretary of the Land Office, to grant patents for lands, to persons who shall execute a mortgage thereon, to secure the sums due the commonwealth;"

And after some time, the committee rose, and reported the bill, with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 194, from the House of Representatives, entitled "An act, to authorize the Governor, to incorporate the Juniata Bridge Company, in the county of Huntingdon;"

And after some time, the committee rose, and reported the bill, with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr

Peger in the chair, on bill, No. 198, from the House of Representatives, entitled "A further supplement to the act, entitled "an act, securing to mechanics and others, payment for their labor and materials, in erecting any house or other building, within the city and county of Philadelphia."

And after some time, the committee rose, and reported the first and only section, negatived.

On the question,

Will the Senate agree to the report of the committee?

A motion was made by Mr. Herrington and Mr. Robertson, that the question, together with the report, be postponed for the present;

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 201, from the House of Representatives, entitled "An act, concerning premiums and medals;"

And after some time, the committee rose, and reported the section negatived.

Which report was agreed to.

Adjourned until half past three o'clock, this afternoon.

#### *SAME DAY—IN THE AFTERNOON.*

On motion of Mr. Conyngham and Mr. Fry, the Senate considered and receded from the amendment, non-concurred in by the House of Representatives, to the bill, No. 174, from the House of Representatives, entitled "An act, to lay out a state road, from Conyngham, in Luzerne county, to the Easton and Wilkesbarre turnpike, in the county of Northampton."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. M'Meens and Mr. Wurts, the committee of the whole being in this case dispensed with, the bill, No. 191, entitled "An act, for the preservation of the records in the office of the prothonotary of the Supreme court of Pennsylvania, for the eastern district;" was read a second time.

Section one was considered, and agreed to.

Section two being under consideration,

A motion was made by Mr. R. Smith and Mr. Power, to amend the same, in the fourth line, by striking out "*five*," and inserting in lieu thereof, "*two*;"

Which was not agreed to.

A motion was then made by Mr. R. Smith and Mr. Eichelberger, to amend the section, in the second line, by striking out "*Governor*," and inserting in lieu thereof, "*Commissioners of the county of Philadelphia*;" in the same line, by striking out "*he is*," and inserting "*they are*;" and making "*his*" read "*their*;" and in the third line, by striking out "*state*," and inserting after the word "*treasurer*," the words "*of said county*."



Which was agreed to. And,

On the question :

Will the Senat agree to the section as amended ?

It was determined in the negative.

The title being under consideration,

A motion was made by Mr. Dewart and M'Meens, to postpone the title, together with the bill, indefinitely.

Which was agreed to,

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 189, from the House of Representatives, entitled "A supplement to the act, entitled "An act. altering the time, of holding the courts, in the seventh judicial district, passed the second day of April, one thousand eight hundred and twenty-two, and for other purposes;"

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Markley and Mr. Hubley, said bill was read a second time.

The sections and title were severally considered and agreed to; and

*Ordered*, That the bill be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hall in the chair, on bill No. 212, from the House of Representatives, entitled "An act, directing the survey of a route for a canal, between Lake Erie and French creek;"

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday the 17th instant.

On motion of Mr. Shulze and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 172, from the House of Representatives, entitled "A supplement to the act entitled "An act, to incorporate the Union Canal Company of Pennsylvania;"

And after some time, the committee rose, reported progress and obtained leave to sit again, on Friday, the 14th instant.

Adjourned until half past nine o'clock, to-morrow morning.

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## Thursday, March 13, 1823.

Mr. Groves presented ten petitions, relative to the Chesapeake and Delaware canal, and the improvement of the Susquehanna river.

Mr. Duncan presented ten petitions of same tenor with the foregoing.

And said petitions were read, and laid on the table.

Mr Barnard presented two petitions of similar tenor, from sundry citizens of Upper Oxford township, Chester county, praying to be made a separate election district, and the elections held at the house of Joseph Hopple, in Russelville.

Which were read and referred to the committee on election districts.

Mr. Groves presented a petition from Francis Ferguson, of Philadelphia, an old soldier, praying for relief.

Which was read, and referred to the committee on claims.

The Speaker laid before the Senate a memorial, from the inspectors of the prison of the city and county of Philadelphia, stating the rapid increase of prisoners in the penitentiary, and praying the Legislature so to alter the penal code, as to direct, that, from and after a certain period, no person convicted of larceny, in any county, in this state, other than the county of Philadelphia, shall be sent to said prison; but shall serve out the time of their sentence, in the jail of the county, in which such persons may be convicted.

Which was read, and referred to the committee who have that subject under consideration.

Mr. Markley, from the committee on the judiciary system, reported three bills, entitled as follow, to wit:

No. 238, entitled "An act, relative to the entry of writs of testatum fieri facias;"

No. 239, "An act, to annul the marriage of Joseph Robeson and Barbara, his wife;" and,

No. 240, "A further supplement to the act, to amend and consolidate with its supplements the act, entitled "An act, for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

Mr. Coleman, from the committee on banks, to whom had been referred a petition on the subject, reported a bill, No. 241, entitled "An act, appointing trustees, to close the concerns of the Silver Lake Bank."

And said bills were read the first time.

Mr. Cadwallader obtained leave to withdraw from the files of the present session, the petition of Robert Livezey, of Bucks county.

Mr. Allshouse obtained leave to withdraw from the files of the present session, the petition and document of William Nelson, an old soldier.

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report,

That in conjunction with a similar committee from the House of Representatives, they have compared, and on yesterday, presented to the Governor, for his approbation, the bills entitled as follow, to wit:

"An act, to repeal a part of the fifth section of an act, entitled "A further supplement to an act, entitled "An act, to amend and

consolidate with its supplements the act, entitled "An act, for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

"An act, to improve the navigation of the river Lackawaxen."

"A further supplement to an act, entitled "An act, authorizing the Governor to incorporate a company, for making an artificial road, from the borough of York, to the borough of Gettysburg, in Adams county."

Laid on the table.

The bill, No. 149, entitled "An act, authorizing the Governor to incorporate the Columbia Water Company;" And,

The bill, No. 184, entitled "A further supplement to the act, entitled "an act, to incorporate the city of Lancaster;" were severally read a third time, and passed.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 189, from the House of Representatives, entitled "A supplement to the act, entitled "an act altering the time of holding the courts in the seventh Judicial district, passed the second April, one thousand eight hundred and twenty-two, and for other purposes," was read a third time, and passed; And,

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same, without amendment.

On motion of Mr. Conyngham and Mr. Shulze, the Senate resumed the second reading and consideration, of the resolution, relative to the furnishing both houses with the sixth and seventh volumes of the laws of Pennsylvania.

And the question recurring,

Will the Senate fill the first blank with "ten?"

It was determined in the affirmative.

On motion of Mr. Conyngham and Mr. Winter, the second blank was filled with "thirty." And,

The resolution as amended, was then adopted.

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 158, entitled "An act, authorizing the Secretary of the Land Office, to grant patents for lands, to persons who shall execute a mortgage thereon, to secure the sums due the commonwealth," was read a second time.

Sections one and two were considered, and agreed to.

Section three being under consideration,

A motion was made by Mr. R. Smith and Mr. Dewart, that the question on the same, together with the bill, be postponed for the present.

Which was agreed to.

The bill, No. 194, from the House of Representatives, entitled "An act, to authorize the Governor, to incorporate the Juniata Bridge Company, in the county of Huntingdon; was read a second time."

The sections and title were severally considered and agreed to; and

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. M'Meens and Mr. Power, the Senate again resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 166, entitled "An act, for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg Turnpike Road Company;"

And after some time the committee rose and reported progress, and asked leave to sit again.

Whereupon,

A motion was made by Mr. R. Smith and Mr. Duncan, that the committee of the whole be discharged from the further consideration of said bill, and that it be re-committed to the committee on roads, bridges and inland navigation.

Which was agreed to.

On motion of Mr. Groves and Mr. Wurts, the Senate considered and non-concurred in the amendment, by the House of Representatives, to the amendment of the Senate, to bill, No. 134, from the House of Representatives, entitled "A further supplement to an act, entitled "An act, to incorporate the district of Spring Garden."

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hubley in the chair, on bill, No. 205, from the House of Representatives, entitled "An act, for the relief Conrad Hahnen;"

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. R. Smith and Mr. Coleman, said bill was read a second time.

The sections and title, were considered, and agreed to.

On motion of Mr. Coleman and Mr. Henderson, the rule which prevents bills being read twice in the same day, being in this case dispensed with, said bill was read a third time, and passed; and,

*Ordered*, That the Clerk return the same to the House of Representatives, with information, that the Senate have passed the bill, without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Mann in the chair, on bill, No. 206, from the House of Representatives, entitled "An act for the relief of Lydia Lorain and her children;"

And after some time, the committee rose, and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Markley in the chair, on bill, No. 207, from the House of Representatives, entitled "An act for the relief of the widow and legal representatives of William M'Kuown, deceased;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Hubley and Mr. Markley, said bill was read a second time.

The first and only section, being under consideration,

A motion was made by Mr. Hubley and Mr. Coleman, to amend the same, in the 5th line, by inserting after "release," these words: "to the commonwealth."

Which was agreed to.

The section was then agreed to. ●

The title was agreed to. And,

*Ordered*, That said bill be prepared for a third reading.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective Houses, in which they originated, to wit:

1. "An act, appointing commissioners, to lay out a state road, from the bridge, over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia."

2. "An act, authorizing a review of part of the state road, between the borough of Butler and Mercer."

3. "An act, to improve the navigation of the river Lackawaxen."

4. "An act, appointing commissioners to lay out a state road, from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes."

5. "An act, to repeal a part of the fifth section of an act, entitled "A further supplement to an act, entitled "An act, to amend and consolidate with its supplements the act, entitled "An act, for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

6. "An act, to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate."

7 "A further supplement to an act, entitled "An act authorizing the Governor, to incorporate a company, for making an artificial road, from the borough of York, to the borough of Gettysburg, in Adams county."

"A resolution relative to the fines assessed for the non-performance of militia duty, during the late war with Great Britain."

JOSEPH HIESTER.

March 13, 1823.

I aid on the table.

Adjourned until half past three o'clock, this afternoon.

## SAME DAY—IN THE AFTERNOON.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill, No. 213, entitled "A further supplement to an act, entitled 'An act, to declare and regulate escheats;'"

And after some time the committee rose, and reported the bill with amendments.

On motion of Mr. Coleman and Mr. Henderson, the rule for going into committee of the whole, being in this case dispensed with;

The bill, No. 148, entitled "An act, to repeal an act, entitled 'An act, to incorporate the old Columbia Water Company;'"

Was read a second time;

The sections and title, were agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. W. R. Smith and Mr. Dickerson, the Senate resumed the second reading and consideration of bill, No. 158, entitled "An act, authorizing the Secretary of the Land Office, to grant patents for lands, to persons, who shall execute a mortgage thereon, to secure the sums due the commonwealth."

Section three recurring, and being again under consideration,

A motion was made by Mr. W. R. Smith and Mr. Hill, to amend the same, by striking out all that follows the word "due" in the ninth line, to the word "and" in the eleventh line, and inserting in lieu thereof, the following:

*"And the interest on such instalment or instalments, so paid, shall be calculated up to the time of such payment, and shall thenceforward cease."*

Which was agreed to.

And the section, as amended, was then agreed to.

The title being under consideration,

A motion was made by Mr. Winter and Mr. Hubley, to postpone the same, for the purpose of introducing the following, to be called section four, to wit:

*"SECTION 4. And be it further enacted by the authority aforesaid, That so much of the provisions of the act, entitled 'An act, directing the recovery of the principal and interest, due to the commonwealth, from persons holding lands, by virtue of location or other office titles, issued from, or under the proprietary government, and for other purposes passed March the 22d, one thousand eight hundred and twenty,' as authorizes suits to be brought against such holders of lands, be, and the same is hereby, suspended, until the first day of May, one thousand eight hundred and twenty-five."*

On the question,

Will the Senate agree so to postpone?

The yeas and nays were required by Mr. Winter and Mr. Eichelberger, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**NAYS.**

Messrs. Allahouse,  
Brewster,  
Conyngham,  
Dickerson,  
Herrington,  
Hill,  
Mann,

**YEAS.**

Messrs. Henderson,  
Hubley,  
Mahon,  
Markley,  
Robertson,  
Shulze,  
R. Smith,  
Winter.—17.

**NAYS.**

Messrs. M'Meens,  
Orr,  
Power,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—14.

So it was determined in the affirmative.

On the question,

Will the Senate agree to the section?

A motion was made by Mr. Dewart and Mr. M'Meens, to amend the same, in the 10th line, by striking out "five," and inserting in lieu thereof "four."

Which was not agreed to. And,

On the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Hill and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**NAYS.**

Messrs. Allahouse,  
Brewster,  
Conyngham,

**YEAS.**

Messrs. Henderson,  
Hubley,  
Mahon,  
Markley,  
Robertson,  
Shulze,  
R. Smith,  
Winter.—16.

**NAYS.**

Messrs. Dewart,  
Dickerson,  
Herrington,

**NAYS.**

Messrs. Hill,  
Mann,  
M'Meens,  
Orr,  
Power,

**NAYS.**

Messrs. W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker—15.

So it was determined in the affirmative.

The title recurring, and being under consideration,

A motion was made by Mr. R. Smith and Mr. Barnard, to amend the same, by adding to the end thereof, these words: "*and for other purposes.*"

Which was agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, at this time, on leave given, reported a bill, No. 243, entitled "An act, for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

Which was read the first time.

Adjourned until half past nine o'clock, to-morrow morning.

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## Friday, March 14, 1823.

Mr. Dickerson presented a petition from sundry citizens of the county of Washington, praying that in the renewal of the charter of the Philadelphia Bank may be inserted a condition, requiring that a credit of seven or ten years upon certain conditions be extended to the creditors of the branch of said bank, at Washington, and that five persons of that section of country may be selected by the directors thereof, for the settlement of said debts.

Mr. Duncan presented nine petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the Susquehanna river.

Mr. Groves presented two petitions of like import with the foregoing.

Mr. Hill presented a petition from Peter Storm, formerly a citizen of this commonwealth, praying that the benefit of the insolvent laws of the state, may be extended to him, or such other relief as the legislature may deem expedient.

Mr. Hill presented five petitions relative to the Chesapeake and Delaware canal, and the improvement of the Susquehanna river.

And said petitions were read, and laid on the table.

The Speaker laid before the Senate, a communication from the Saving Fund Society of Philadelphia, which was read as follows, to wit:



*State of the Philadelphia Saving Fund Society, January 1, 1823.*  
Dr. Cr.

To amount received in deposits from the commencement of the institution, - - -	\$514,947 55	
Deduct amount of deposits returned during the same period	\$234,520 03	\$280,427 52
To balance of interest to the credit of depositors - - -		18,753 41
By the following instalments, viz.		
In mortgages - - - - -		\$82,806 80
In real estate - - - - -		36,793 41
In a ground rent, - - - - -		1,176 00
In United States 6 per cent stock, - - - - -	\$40,275 11	42,258 29
In ditto ditto 5 per cent stock, - - - - -	\$2,558 37	1,999 08
In city 6 per cent stock, \$1,600 00		1,600 00
In loans to the city, at 5 per cent.		13,500 00
In city 5 per cent stock, \$79,100 00		80,875 25
In loans to city for paving streets - - - - -	\$6,500 00	4,855 18
In loans on 210 shares United States bank stock - - - - -		21,000 00
In loan on 140 shares Commercial bank stock - - - - -		\$6,000 00
In a loan on 14 shares Masonic loan and of seven shares Lancaster turnpike stock - - - - -		\$1,500 00
In a loan on 45 shares Delaware Insurance company's stock - - - - -		\$1,800 00
By interest and rents on investments to this day - - - - -		\$4,336 62
By balance in Commercial Bank - - - - -		\$3,193 61
To balance, being contingent fund, - - -	\$4,422 31	
	\$303,603 24	\$303,603 24

*Philadelphia, January 1, 1823.*

GEO. BILLINGTON, *Treasurer.*

Confirmed:

JOHN C. LOWBER,

WM. CHALONER,

WM. M'ILWAINE,

*Committee of accounts.*

We the undersigned auditors, appointed by the managers of the Philadelphia Saving Fund Society, in conformity with the thirteenth article of the constitution of the society, having examined the books and vouchers of the said society, do hereby certify that the above statement is correct,

HENRY PRATT,

PAUL BECK, jr.

JOHN READ.

*March 8, 1823.*

(COPY.)

These are to certify, that the foregoing is a true copy of the account reported by the auditors appointed by the managers of the Philadelphia Saving Fund Society, of the state of said society, on the first day of January, one thousand eight hundred and twenty-three.

Witness my hand, and the seal of the said society hereunto affixed, the tenth day of March, A. D. 1823.

AND'W. BAYARD, *President.*

Attest:

GEO. BILLINGTON, *Secretary.*

Laid on the table.

The bill, No. 148, entitled "An act to repeal an act, entitled an act to incorporate the old Columbia Water Company," was read a third time and passed.

The bill, No 158, entitled "An act authorizing the Secretary of the Land Office, to grant patents for lands. to persons who shall execute a mortgage thereon, to secure the sums due the commonwealth, and for other purposes," was read a third time. And

On the question,

Shall the bill pass?

A motion was made by Mr. Duncan and Mr. Dewart, that the Senate resolve itself into a committee of the whole, on said bill, for the purpose of amending the fourth section, in the tenth line, by making "*twenty-five*," read "*twenty-four*."

A motion was then made by Mr. Wurts and Mr. Dickerson, to amend the motion by making it read "*for general amendment*,"

And on the question,

Will the Senate resolve itself into a committee of the whole, for the purpose of general amendment to section four?

The yeas and nays were required by Mr. Dickerson and Mr. Orr, and are as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Brewster,  
Conyngham,  
Dickerson,  
Groves,  
Herrington,  
Hill,  
Mann,

### YEAS.

Messrs. M'Meens,  
Orr,  
Power,  
Robertson,  
St. Clair,  
Wurts,  
Marks, speaker.—15.

### NAYS.

Messrs. Barnard,  
Coleman,  
Dewart,  
Duncan,

### NAYS.

Messrs. Eichelberger,  
Eyster,  
Feger,  
Fry,

*NAYS.*

Messrs. Henderson,  
Hubley,  
Mahon,  
Markley,

*NAYS.*

Messrs. Shulze,  
R. Smith,  
W. R. Smith,  
Winter.—16

So it was determined in the negative.

The question recurring,

Will the Senate resolve itself into a committee of the whole for special amendment, to section four?

A motion was made by Mr. Groves and Mr. Brewster, that the question together with the bill, be postponed for the present;

Which was not agreed to. And,

The question again recurring,

Will the Senate so resolve itself into a committee?

The yeas and nays were required by Mr. W. R. Smith and Mr. Dewart, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Brewster,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

*YEAS.*

Messrs. Henderson,  
Herrington,  
Mahon,  
Mann,  
Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Winter,  
Marks, speaker.—25.

*NAYS.*

Messrs. Dickerson,  
Hill,  
Hubley,  
M'Meens,

*NAYS.*

Messrs. R. Smith,  
St. Clair,  
Wurts.—7.

So it was determined in the affirmative.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Orr in the chair, on the fourth section of said bill, for the special purpose of amending the tenth line, by making "twenty-five" read "twenty-four."

And after some time the committee rose and reported the section so amended.

Which report was agreed to.

The question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. Dickerson and Mr. Eichelberger, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,  
Herrington,  
Hubley,

**YEAS.**

Messrs. Mahon,  
Mann,  
Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Winter,  
Marks, speaker.—23.

**NAYS.**

Messrs. Brewster,  
Conyngham,  
Dickerson,  
Groves,

**NAYS.**

Messrs. Hill,  
M' Meens,  
St. Clair,  
Wurts.—8.

So it was determined in the affirmative.

*Ordered*, That the Clerk present said bills to the House of Representatives for concurrence.

The bill, No. 194 from the House of Representatives, entitled "An act to authorize the Governor to incorporate the Juniata Bridge Company, in the county of Huntingdon." And,

The bill, No. 207, from the House of Representatives, entitled "An act for the relief of the widow and legal representatives of William M'Kuown, deceased."

Were severally read a third time, and passed. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills, entitled as follow, to wit:

"An act to authorize the Governor to incorporate a company, to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango, and to revive "An act, to authorize the

Governor of this commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

"An act to extend the charter of the bank of the Northern Liberties, in the county of Philadelphia."

"A further supplement to the act, entitled "an act for the consolidation and amendment of the laws, as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties."

"An act, authorizing the Governor to incorporate the president, managers and company, of the Mount Pleasant Free Road, in Westmoreland county."

"An act, authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land; to authorize Josiah Wright and others, to convey a certain trust estate; and, to authorize Francis Scott, to convey a tract of land, of which Francis Armstrong, died seized."

"An act, to incorporate the Columbia, Chiques and Marietta Road and Bridge Company."

"An act, for the relief of Rachel M'Coy, widow of Neal M'Coy, an old soldier."

"An act, supplementary to an act entitled "An act, for the improvement of the state."

And said bills were read the first time.

He also informed, that the House of Representatives recede from the amendment by the House of Representatives, to the amendment by the Senate, to the bill, from the House of Representatives, entitled "A further supplement to an act entitled "An act to incorporate the district of Spring Garden"

Mr. Hill, from the committee on election districts, reported a bill, No. 252, entitled "An act, establishing certain election districts."

Mr. Hill read in his place, and on leave given, presented to the chair, a bill, No. 253, entitled "An act for the relief of Peter Storm."

And said bills were read the first time.

The bill, No. 206, from the House of Representatives, entitled "An act for the relief of Lydia Lorain and her children;" was read a second time.

The sections and title were severally considered and agreed to; And,

*Ordered*, That it be prepared for a third reading.

The bill, No. 213, entitled "A further supplement to an act entitled "An act to declare and regulate escheats," was read a second time.

The sections were severally considered and negatived.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 173, from the House of Representatives, entitled "A supplement to the act, entitled "An act to incorporate the Union Canal Company of Pennsylvania."

And after some time, the committee rose, reported progress and obtained leave to sit again in the afternoon.

Adjourned until half past three o'clock, this afternoon.

*SAME DAY—IN THE AFTERNOON.*

The bill, No. 173, from the House of Representatives, entitled "A supplement to the act, entitled "An act to incorporate the Union Canal Company of Pennsylvania;" having been made the order for this afternoon; And,

On the question :

Will the Senate again resolve itself into a committee of the whole on the same?

A motion was made by Mr. M'Meens and Mr. Duncan, that the committee of the whole, be discharged from any further consideration of the bill, and that it be indefinitely postponed.

Whereupon,

The yeas and nays were required by Mr. Shulze and Mr. Conyngham, and are as follow, to wit:

*YEAS.*

Messrs. Barnard,  
Brewster,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Fry,  
Greves,  
Henderson,

*YEAS.*

Messrs. Herrington,  
Hill,  
Mahon,  
Markley,  
M'Meens,  
Orr,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—23.

*NAYS.*

Messrs. Allshouse,  
Conyngham,  
Feger,  
Hubley,  
Mann,

*NAYS.*

Messrs. Power,  
Shulze,  
B. Smith,  
Winter.—9.

So it was determined in the affirmative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 210, from the House of Representatives, entitled "An act, to extend the charter of the Philadelphia Bank."

And after some time the committee rose, reported progress, and obtained leave to sit again to-morrow.

Adjourned until half past nine o'clock, to-morrow morning.

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Hubley and Mr. Markley, said bill was read a second time.

The first and only section, being under consideration,

A motion was made by Mr. Hubley and Mr. Coleman, to amend the same, in the 5th line, by inserting after "release," these words: "to the commonwealth."

Which was agreed to.

The section was then agreed to.

The title was agreed to. And,

*Ordered*, That said bill be prepared for a third reading.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective Houses, in which they originated, to wit:

1. "An act, appointing commissioners, to lay out a state road, from the bridge, over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia."

2. "An act, authorizing a review of part of the state road, between the borough of Butler and Mercer."

3. "An act, to improve the navigation of the river Lackawaxen."

4. "An act, appointing commissioners to lay out a state road, from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes."

5. "An act, to repeal a part of the fifth section of an act, entitled "A further supplement to an act, entitled "An act, to amend and consolidate with its supplements the act, entitled "An act, for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

6. "An act, to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate."

7 "A further supplement to an act, entitled "An act authorizing the Governor, to incorporate a company, for making an artificial road, from the borough of York, to the borough of Gettysburg, in Adams county."

"A resolution relative to the fines assessed for the non-performance of militia duty, during the late war with Great Britain."

JOSEPH HIESTER,

March 13, 1823.

<sup>1</sup> aid on the table.

Adjourned until half past three o'clock, this afternoon.

**NAYS.**

Messrs. Hill,  
Maun,  
M'Meens,  
Orr,  
Power,

**NAYS.**

Messrs. W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker—15.

So it was determined in the affirmative.

The title recurring, and being under consideration,

A motion was made by Mr. R. Smith and Mr. Barnard, to amend the same, by adding to the end thereof, these words: "*and for other purposes.*"

Which was agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, at this time, on leave given, reported a bill, No. 243, entitled "An act, for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

Which was read the first time.

Adjourned until half past nine o'clock, to-morrow morning.

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## Friday, March 14, 1823.

Mr. Dickerson presented a petition from sundry citizens of the county of Washington, praying that in the renewal of the charter of the Philadelphia Bank may be inserted a condition, requiring that a credit of seven or ten years upon certain conditions be extended to the creditors of the branch of said bank, at Washington, and that five persons of that section of country may be selected by the directors thereof, for the settlement of said debts.

Mr. Duncan presented nine petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the Susquehanna river.

Mr. Groves presented two petitions of like import with the foregoing.

Mr. Hill presented a petition from Peter Storm, formerly a citizen of this commonwealth, praying that the benefit of the insolvent laws of the state, may be extended to him, or such other relief as the legislature may deem expedient.

Mr. Hill presented five petitions relative to the Chesapeake and Delaware canal, and the improvement of the Susquehanna river.

And said petitions were read, and laid on the table.

The Speaker laid before the Senate, a communication from the Saving Fund Society of Philadelphia, which was read as follows, to wit:



**YEAS.**

Messrs. Barnard,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**NAYS.**

Messrs. Allshouse,  
Brewster,  
Conyngham,  
Dickerson,  
Herrington,  
Hill,  
Mann,

**YEAS.**

Messrs. Henderson,  
Hubley,  
Mahon,  
Markley,  
Robertson,  
Shulze,  
R. Smith,  
Winter.—17.

**NAYS.**

Messrs. M'Meens,  
Orr,  
Power,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—14.

So it was determined in the affirmative.

On the question,

Will the Senate agree to the section?

A motion was made by Mr. Dewart and Mr. M'Meens, to amend the same, in the 10th line, by striking out "fire," and inserting in lieu thereof "four."

Which was not agreed to. And,

On the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Hill and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Fry,  
Groves,

**NAYS.**

Messrs. Allshouse,  
Brewster,  
Conyngham,

**YEAS.**

Messrs. Henderson,  
Hubley,  
Mahon,  
Markley,  
Robertson,  
Shulze,  
R. Smith,  
Winter.—16.

**NAYS.**

Messrs. Dewart,  
Dickerson,  
Herrington,

## NAYS.

Messrs. Hill,  
Mann,  
M'Meens,  
Orr,  
Power,

## NAYS.

Messrs. W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker—15.

So it was determined in the affirmative.

The title recurring, and being under consideration,

A motion was made by Mr. R. Smith and Mr. Barnard, to amend the same, by adding to the end thereof, these words: "*and for other purposes.*"

Which was agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

Mr. M'Meens, from the committee on roads, bridges and inland navigation, at this time, on leave given, reported a bill, No. 243, entitled "An act, for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

Which was read the first time.

Adjourned until half past nine o'clock, to-morrow morning.

## Friday, March 14, 1823.

Mr. Dickerson presented a petition from sundry citizens of the county of Washington, praying that in the renewal of the charter of the Philadelphia Bank may be inserted a condition, requiring that a credit of seven or ten years upon certain conditions be extended to the creditors of the branch of said bank, at Washington, and that five persons of that section of country may be selected by the directors thereof, for the settlement of said debts.

Mr. Duncan presented nine petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the Susquehanna river.

Mr. Groves presented two petitions of like import with the foregoing.

Mr. Hill presented a petition from Peter Storm, formerly a citizen of this commonwealth, praying that the benefit of the insolvent laws of the state, may be extended to him, or such other relief as the legislature may deem expedient.

Mr. Hill presented five petitions relative to the Chesapeake and Delaware canal, and the improvement of the Susquehanna river.

And said petitions were read, and laid on the table.

The Speaker laid before the Senate, a communication from the Saving Fund Society of Philadelphia, which was read as follows, to wit:

Mr. Mann read in his place, and on leave given, presented to the chair, a bill, No. 259, entitled "An act relative to actions of ejectment."

And said bills were read the first time.

Mr. Brewster from the committee to whom had been referred, the petitions of the inhabitants of the counties of Luzerne and Susquehanna, praying that a market or fair may be held twice a year, at Dundaff, made report :

That they have had the same under consideration, and considering the multiplicity of business on our files, and the late period of the session, they offer the following resolution :

*Resolved*, That the committee be discharged from the further consideration of the subject, and that it be recommended to the early attention of the next Legislature.

Laid on the table.

The bill, No 267, entitled "A supplement to the act entitled "an act authorizing the incorporation of the Pittsburg and Steubenville, and Washington and Pittsburg turnpike road company," was read a third time, and passed; And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Eyster and Mr. Eichelberger, the following resolution, presented on the first instant, was again read, considered and adopted, to wit:

WHEREAS, it frequently happens, that the sureties for the payment of debts, are ruined, while the persons for whom they became bound, have property and means to satisfy the demand.

AND WHEREAS, it does not appear consistent with the principles of equity and justice, that the property of one citizen, should be unnecessarily sacrificed for the debts of another, in which he has no farther interest than any other individual, and perhaps no other impression or views at the time he became bound, than from the influence of confidence, and benevolent motives to guaranty the eventual payment of the demand, should the principal fail or be insufficient:

Therefore,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering or amending the laws of this commonwealth, that the surety for the payment of debts, should not be liable to execution and distress, so long as the principal can be reached, and shall have either real or personal property sufficient to satisfy the debt.

A motion was made by Mr. Hill and Mr. Groves, that Senate resume the second reading of the bill, No. 60, entitled "A supplement to an act, entitled "an act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight," postponed on the seventeenth February.

Whereupon,

The yeas and nays were required by Mr. Wurts and Mr. Henderson, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Conyngham  
Eichelberger,  
Feger,  
Fry,  
Groves,  
Herrington,

*NAYS.*

Messrs. Cadwallader,  
Dewart,  
Duncan,  
Eyster,  
Henderson,  
Markley,

*YEAS.*

Messrs. Hill,  
Mann,  
M'Meens,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker —15.

*NAYS.*

Messrs. Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts,—12.

So it was determined in the affirmative.

Section one, being under consideration,

A motion was made by Mr. Groves and Mr. Conyngham, that the same be postponed indefinitely.

Which was not agreed to.

The question recurring on the section,

Will the Senate agree to the first section?

The yeas and nays were required by Mr. Allshouse and Mr. Eichelberger, and are as follow, to wit:

*YEAS.*

Messrs. Brewster,  
Conyngham,  
Fry,  
Groves,

*NAYS.*

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,  
Herrington,  
Mann,

*YEAS.*

Messrs. Hill,  
M'Meens,  
Winter.—7

*NAYS.*

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—21

So it was determined in the negative.

Section two now section one, being under consideration,

A motion was made by Mr. Groves and Mr. Conyngham, to amend the same by striking out the word "*July*," in the second and third lines, and inserting "*May*," and after the word congregation in the ninth line, to insert these words, "*qualified to vote for trustees, and.*"

Which was agreed to.

A motion was then made by Mr. Mann and Mr. Conyngham, further to amend the section, by inserting after the word "*trustees*," in the second line, these words "*of the Roman Catholic Society who: shipping at the church of St. Mary's, in the city of Philadelphia.*"

Which was agreed to.

A motion was then made by Mr. Mann and Mr. Conyngham, further to amend the section, by inserting after the word "*sworn*," in the twelfth line, these words, "*or affirm before an alderman or justice of the peace.*"

Which was agreed to.

A motion was made by Mr. Barnard and Mr. M'Meens, further to amend the section, by making "*ten*" read "*eight*" in the fourth line,

Which was agreed to.

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required by Mr. Duncan and Mr. Winter, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Feger,  
Fry,  
Groves,  
Herrington,

#### NAYS.

Messrs. Cadwallader,  
Dewart,  
Dickerson,  
Duncan,  
Henderson,

#### YEAS.

Messrs. Hill,  
Mann,  
Markley,  
M'Meens,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—18.

#### NAYS.

Messrs. Orr,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

Section three, now two, being under consideration;

A motion was made by Mr. Groves and Mr. Brewster, to amend the same, by inserting after the word "*arrests*," in the

third line, these words: "*and whose names shall be registered in the books of the congregation;*"

Which was agreed to.

A motion was then made by Mr. Groves and Mr. Conyngham, further to amend the same, by striking out of the sixth line, the word "*authorizing,*" and inserting the word "*entitling;*" and after the word "*the,*" inserting "*holder or;*" and by striking out all that follows the word "*to*" in the same line, to the end of the section, and inserting these words, "*more than two votes.*"

Which was agreed to.

A motion was then made by Mr. Barnard and Mr. M'Meens, further to amend said section, by adding to the end thereof, the following, to wit:

"*Provided however, That if the vote of any person shall be objected to, as not being an actual pew holder, the judges of the election are hereby authorized and required to administer an oath or affirmation to every such person, before he or she shall be entitled to vote; that he or she is truly actually and bona fide the holder of a pew, or part thereof, and that the same was not transferred to enable him or her to vote at said election; and every person who shall be convicted of swearing or affirming falsely, in the premises, shall be subject to all the pains and penalties of perjury.*"

Which was agreed to. And,

On the question,

Will the Senate agree to the section as amended?

The yeas and nays were required by Mr. Wurts and Mr. W. R. Smith, and are as follow, to wit:

### YEAS.

### YEAS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Fry,  
Groves,  
Herrington,  
Hill,

Messrs. Mann,  
Markley,  
M'Meens,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—15.

### NAYS.

### NAYS.

Messrs. Cadwallader,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Henderson,

Messrs. Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts.—13.

So it was determined in the affirmative.

Section four, now three, being under consideration,

A motion was made by Mr. Wurts and Mr. Robertson, to postpone the same for the purpose of introducing the following, to wit:

Section 3. *Be it enacted by the authority aforesaid* That this act shall not be so construed as to legalize the votes of any person or persons, who now hold, or who may hereafter hold any pew, or part of a pew, erected in the said church of St. Mary's, subsequent to the 20th day of March, 1821. But the legality of such votes or the right of such person or persons to vote, shall be judged of and determined as if this act had never been passed.

And on the question,

Will the Senate so postpone?

The yeas and nays were required by Mr. W. R. Smith, and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**YEAS.**

Messrs. Henderson,  
Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts,  
Marks, speaker—16.

**NAYS.**

Messrs. Brewster,  
Conyngham,  
Fry,  
Groves,  
Herrington,  
Hill,

**NAYS.**

Messrs. Mann,  
Markley,  
M'Meens,  
R. Smith,  
St. Clair,  
Winter.—12.

So it was determined in the affirmative.

A motion was made by Mr. Barnard and Mr. M'Meens, to amend the manuscript section three, in the second line, after the word to, by striking out these words "*legalize the votes of any person or persons,*" and inserting in lieu thereof these words: "*either admit any person to vote or prevent any person from voting;*" and in the ninth line after the word "*but*" to strike out these words: "*the legality of such votes or;*"

Which was agreed to.

And off the question,

Will the Senate agree to the section as amended?

On motion,

The Senate adjourned until half past three o'clock, this afternoon.

**SAME DAY—IN THE AFTERNOON.**

The Senate resumed the second reading of the bill, No. 60, entitled "A supplement to an act, entitled "An act to incorporate the the members of the religious society of Roman Catholics, belonging to the congregation of Saint Mary's church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight."

And the question recurring,

Will the Senate agree to section three as amended?

A motion was made by Mr. Barnard and Mr. M'Meens, further to amend the same by inserting after the word "voting" in the second line these words: "*in the manner prescribed in the foregoing section,*" and in the tenth line, by inserting after the word "vote," these words: "*as aforesaid.*"

Which was agreed to.

And on the question,

Will the Senate agree to the section as amended?

The yeas and nays were required by Mr. Groves and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Duncan,  
Eichelberger,  
Groves,  
Henderson,  
Herrington,

**NAYS.**

Messrs. Brewster,  
Cadwallader,  
Conyngnam,  
Dewart,  
Fry,  
Hill,

**YEAS.**

Messrs. Markley,  
Orr,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts,  
Marks, speaker—14.

**NAYS.**

Messrs. Mann,  
M'Meens,  
Power,  
R. Smith,  
St. Clair,  
Winter.—12.

So it was determined in the affirmative.

Section four to six inclusive, were agreed to.

Section seven being under consideration,

A motion was made by Mr. Hill and Mr. Brewster, to postpone the same for the purpose of introducing the following, to wit:

Section 7. That no person shall hereafter be a trustee in the said congregation, worshipping at Saint Mary's church, who is not a citizen of the United States, or of this state, or who has declared his intention to become a citizen of the United States, agreeably to the acts of congress. *Provided however,* That no person who has so declared his intention shall be eligible to the office of trustee, unless he continues thereafter to reside in the United States, nor unless after the period prescribed by law, to



entitle him to citizenship, he is actually admitted a citizen of the United States.

And on the question,

Will the Senate agree so to postpone?

The yeas and nays were required by Mr. Hill and Mr. Wurts, and are as follow, to wit:

***YAYS.***

Messrs. Barnard,  
Brewster,  
Conyngham,  
Fry,  
Groves,  
Hill,

***YAYS.***

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,

***YAYS.***

Messrs. Mann,  
M'Meens,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—12.

***YAYS.***

Messrs. Herrington,  
Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Wurts.—16

So it was determined in the negative.

Section seven recurring, was then agreed to.

The title was agreed to. And,

On the question,

Shall the bill be transcribed for a third reading?

The yeas and nays were required by Mr. Wurts and Mr. Robertson, and are as follow, to wit:

***YEAS.***

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Feger,  
Fry,  
Groves,  
Herrington,

***YAYS.***

Messrs. Cadwallader,  
Dewart,  
Duncan,  
Eyster,  
Henderson,

***YEAS.***

Messrs. Hill,  
Mann,  
Markley,  
M'Meens,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—18.

***YAYS.***

Messrs. Orr,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—16.

So it was determined in the affirmative.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act, for the relief of Catharine Cadwallader, widow of John Cadwallader, deceased."

"An act, to remove the obstructions at the entrance of the harbour of Presque Isle."

"An act, authorising a review of part of the state road from Carlisle, through Roxbury, to the Burnt Cabins and a part of the state road from Berrysburg to Reading."

"An act, extending the benefits of an act entitled "An act, securing to mechanics and others payment for their labor and materials, in erecting any house or other building, in the city and county of Philadelphia, to the mechanics and others of the borough of Greensburg and Hempfield township, in the county of Westmoreland"

And said bills were read the first time.

On motion of Mr. Hill and Mr. Robertson, the Senate reconsidered the vote on the first and second sections of Bill, No. 213, entitled "A further supplement to an act, entitled "An act to declare and regulate escheats."

And the same being again under consideration,

A motion was made by Mr. W. R. Smith and Mr. Hill, that the consideration of the same be postponed for the present.

Which was agreed to.

Adjourned until half past nine o'clock, to-morrow morning.

## Tuesday, March 18, 1823.

Mr. Hill presented nine petitions of similar tenor, relative to the Chesapeake and Delaware Canal, and the improvement of the Susquehanna river.

Which were read and laid on the table.

Mr. Duncan presented a petition and document, from Charles Carroll, of Carrollton, in Maryland, praying the Legislature to pass a law, vesting in him certain lands, in the county of Bedford, for which he has patents; which lands were formerly owned by Dickinson and Franklin colleges, but now in the possession of the state.

Which were read and referred to Messrs. Duncan, M'Meens and W. R. Smith.

Mr. Markley presented a petition and document from Abraham Markley, of Montgomery county, one of the executors to the estate of John Markley, deceased, praying to be authorized to convey a certain lot of ground.

Which was read and referred the committee on the judiciary system.

The Speaker laid before the Senate a letter from Charles Smith, judge of the district court, for the city and county of Lancaster, stating an omission in the law renewing and extending the jurisdiction of said court, and requesting the Legislature to take the same into their consideration.

Which was read and referred to Messrs. Coleman, Barnard and St. Clair.

Mr. Hill read in his place, and asked leave to present to the chair, a bill entitled "An act, to extend the charter of the Philadelphia Bank."

And on the question,

Shall said bill be presented?

The yeas and nays were required by Mr. Brewster and Mr. Conyngham, and are as follow, to wit:

### *YEAS.*

Messrs. Allshouse,  
Barnard,  
Dickerson,  
Eichelberger,  
Eyster,  
Fry,  
Hill,  
Mann,

### *YEAS,*

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—15.

### *NAYS.*

Messrs. Brewster,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

### *NAYS.*

Messrs. Henderson,  
Herrington,  
Markley,  
M'Meens,  
Robertson,  
W. R. Smith,  
Wurts.—15.

So it was determined in the negative.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act vacating a part of the old state road, leading from the borough of Washington, in Washington county, towards Wheeling, in Virginia."

"A supplement to an act, entitled "An act, to incorporate the York county Manufacturing Company."

"An act to alter and lay out certain state roads therein mentioned."

;) "A supplement to an act, entitled "An act to provide for the erection of a state penitentiary within the city and county of Philadelphia."

And said bills were read the first time,

Mr. Coleman, from the committee on the subject, on leave given, reported a bill, No. 264, entitled "A further supplement to an act, entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

And said bill was read the first time.

The bill, No. 60, entitled "A supplement to an act, entitled "An act, to incorporate the members of the Religious Society of Roman Catholics, belonging to the congregation of St. Mary's Church, in the city of Philadelphia, passed the thirteenth September, one thousand seven hundred and eighty-eight."

Was read a third time; and,

On the question,

Shall the bill pass?

A motion was made by Mr. Barnard and Mr. R. Smith, that the Senate again resolve itself into a committee of the whole, for the purpose of amending the second section:

Whereupon,

A motion was made by Mr. Wurts and Mr. Dickerson, to postpone the question, together with the bill, until Saturday the 22d instant. And,

On the question,

Will the Senate so postpone?

The yeas and nays were required by Mr. Wurts and Mr. Coleman, and are as follow, to wit:

#### YEAS.

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

#### YEAS.

Messrs. Henderson,  
Herrington,  
Orr,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—14.

#### NAYS.

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Feger,  
Fry,  
Groves,  
Hill,

#### NAYS.

Messrs. Mann,  
Markley,  
M'Neene,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—10.

So it was determined in the negative.

The question recurring,

Will the Senate resolve itself into a committee of the whole?

A motion was made by Mr. Herrington and Mr. Wurts, to amend the motion by including the first section;

Which was not agreed to.

And the question again recurring,

Will the Senate resolve itself into a committee of the whole, for the purpose of amending the second section?

It was determined in the affirmative.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Winter in the chair, on said bill.

And after some time, the committee rose, and reported the second section amended.

Which report was agreed to.

The question recurring,

Shall said bill pass?

The yeas and nays were required by Mr. Wurts and Mr. Barnard, are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Feger,  
Fry,  
Groves,  
Hill,

**YEAS.**

Messrs. Mann,  
Markley,  
M'Meens,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—17.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eyster,  
Henderson,

**NAYS.**

Messrs. Herrington,  
Orr,  
Power,  
Robertson,  
W R. Smith,  
Wurts.—13.

So it was determined in the affirmative. And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 210, from the House of Representatives, entitled "An act, to extend the charter of the Philadelphia Bank."

And after some time the committee rose, reported progress, and obtained leave to sit again this afternoon.

Adjourned, until half past three o'clock, this afternoon.

**SAME DAY—IN THE AFTERNOON.**

On motion of Mr. Coleman and Mr. Henderson, the rule for going into committee of the whole being in this case dispensed with, the bill, No. 264, entitled "A further supplement to an act, entitled "An act to provide for the erection of an additional court within the city and county of Lancaster;" was read a second time.

The section and title, were severally considered and agreed to. And,

*Ordered*, That said bills be transcribed for a third reading.

A motion was made by Mr. W. R. Smith and Mr. R. Smith, that the Senate proceed to the consideration of bill, No. 177, entitled "An act to authorize a review of a public road, lately laid out from Pine Grove Furnace, to the line between the counties of Cumberland and Adams, at or near the house of Henry Ream."

Which was not agreed to.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Shulze in the chair, on bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank."

And after some time, the committee rose, reported progress and obtained leave to sit again to-morrow.

A motion was made by Mr. Groves and Mr. Markley, that when Senate adjourns it will adjourn to meet at half past seven o'clock this evening.

Whereupon,

The yeas and nays were required by Mr. Groves and Mr. Conyngham, and are as follow, to wit:

**YEAS.**

Messrs. Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Feger,  
Groves,  
Herrington,

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Brewster,  
Cadwallader,  
Coleman,  
Eyster,  
Fry,  
Henderson,

**YEAS.**

Messrs. Markley,  
M'Means,  
Orr,  
Power,  
Shulze,  
St. Clair—15.

**NAYS.**

Messrs. Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—15.

So it was determined in the negative.

On motion of Mr. Markley and Mr. Power, the Senate adjourned to meet at nine o'clock, to-morrow morning, and at three in the afternoon, and that those be the standing hours of meeting until the end of the session.

Adjourned until nine o'clock, to-morrow morning.

## Wednesday, March 19, 1823.

Mr. Barnard presented a petition from Tacy Coates, of Chester county, praying the Legislature to transfer to her a certain lot of land in said county, that has escheated to the commonwealth.

Which was read and laid on the table.

Mr. Markley, from the committee on the judiciary system, reported a bill, No. 269, entitled "An act authorizing the executors of John Markley, late of Montgomery county, deceased, to convey certain real estate."

Which was read the first time.

The bill, No. 264, entitled "A further supplement to an act, entitled "An act, to provide for the erection of an additional court, within the city and county of Lancaster,"

Was read a third time and passed.

*Ordered*, That the Clerk present the same to the House of Representatives, for concurrence.

Agreeably to order;

The Senate again resolved itself into a committee of the whole, Mr. Shulze, in the chair, on bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank;"

And after some time, the committee rose, and reported the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 220, entitled "A supplement to the act entitled "An act for the regulation of the militia of this commonwealth."

And after some time, the committee rose, and reported the bill, with amendments.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts and resolutions, of the General Assembly, and directed the

Secretary of the Commonwealth, to return them to the Houses in which they respectively originated, to wit:

1. "A supplement to the act, entitled "An act, altering the time of holding the courts in the seventh judicial district," passed the second day of April, one thousand eight hundred and twenty-two and for other purposes."

2. "An act to lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre Turnpike, in the county of Northampton."

3. "An act for the relief of Conrad Hahnen."

4. "An act for the relief Lydia Lorain and her children."

5. "An act for the relief of the widow and legal representatives of William M'Kuown, deceased."

A resolution instructing the Clerk of the Senate, to obtain from the office of the Secretary of the Commonwealth, for the use of the Senate, ten copies, and the Clerk of the House of Representatives, for the use of the House of Representatives, thirty copies of the sixth and seventh volumes of the revised laws of Pennsylvania.

JOSEPH HIESTER.

March 18, 1823.

Laid on the table.

On motion of Mr. Brewster and Mr. Conyngham, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 230, from the House of Representatives, entitled "An act, authorizing supervisors to remove obstructions in navigable streams, in the county of Tioga;"

Was read a second time.

The section and title were severally considered and agreed to.

On motion of Mr. M'Meens and Mr. Brewster, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the bill to the House of Representatives, with information that the Senate have passed the same, without amendment.

On motion of Mr. Markley and Mr. Dewart, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 214, entitled "An act to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinnemahoning, in the county of Clearfield;"

Was read a second time.

The sections, preamble and title, were severally considered and agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. R. Smith in the chair, on bill, No. 225, from the House of Representatives entitled "An act, for the relief of the German congregation, in Moore township, Northampton county;"

And after some time, the committee rose, and reported the first and only section, negatived. And,



On the question,

Will the Senate agree to said report?

A motion was made by Mr. Conyngham and Mr. Markley, that the question be postponed for the present.

Which was agreed to.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act supplementary to the act, entitled "An act about attachments."

"An act, authorizing the Governor to incorporate the Shenango Canal Company."

"A further supplement to an act, entitled "An act to incorporate the township of Moyamensing, in the county of Philadelphia," passed twenty-fourth March, one thousand eight hundred and twelve."

"An act, granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren."

And said bills were read the first time.

Adjourned until three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. St. Clair, in the chair, on bill, No. 243, entitled "An act, for the relief of the creditors, of the Harrisburg, Carlisle and Chambersburg Turnpike Road."

And after some time, the committee rose, reported progress and obtained leave to sit again, to-morrow.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill, No. 257, entitled "An act, incorporating the Pennsylvania Agricultural Society;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Hill and Mr. Markley, the Senate resolved itself into a committee of the whole, Mr. Winter, in the chair, on bill, No. 157, entitled "An act dissolving the marriage contract between Nathan Ames and Nancy his wife;"

And after some time the committee rose, and reported the bill with an amendment.

Adjourned until nine o'clock, to-morrow morning.

Thursday, March 20, 1823.

Mr. Shulze presented two petitions of similar tenor, praying that a charter may be granted to the Schuylkill Coal Company.

Mr. Groves presented two petitions of same tenor, and like import with the foregoing:

Which were read and laid on the table.

The bill, No. 214, entitled "An act, to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinnemahoning, in the county of Clearfield;"

Was read a third time, and passed.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank,"

Was read a second time.

Section one being under consideration;

A motion was made by Mr. Hill and Mr. Power, to postpone the same for the purpose of introducing the following, as a substitute, to wit:

"Section 1. *Be it enacted, &c.* That the charters of the Philadelphia and of the Farmers' and Mechanics' Banks, be and they are hereby each extended, and continued in full force and effect, until the first day of April, one thousand eight hundred and twenty-five, and no longer."

And on the question,

Will the Senate so postpone?

A motion was made by Mr. M'Meens and Mr. Conyngham, that the question, together with the bill, be postponed for the present.

Which was agreed to.

The bill, No. 257, entitled "An act incorporating the Pennsylvania Agricultural Society," was read a second time.

The sections one to four, inclusive, were severally considered and agreed to.

Section five being under consideration,

A motion was made by Mr. Groves and Mr. Duncan, to amend the same by adding to the end thereof the following, to wit:

"*Provided always, That the moneys which are directed to be paid to the Philadelphia Society for promoting agriculture, by the act, entitled "An act for the promotion of agriculture and domestic manufactures," passed the sixth day of March, one thousand eight hundred and twenty, shall hereafter be paid to the society incorporated by this act, and not to the said Philadelphia Society, as heretofore, any thing in the said act, to the contrary, notwithstanding.*"

Which was agreed to.

And the section as amended was then agreed to.

Sections six to eight, inclusive, were severally considered and agreed to.

Section nine being under consideration,

A motion was made by Mr. Duncan and Mr. Wurts, to amend the same, in the eighth line, after the word "one," by striking out, the words "as are hereby altered;" and at the end of the section to add the following, to wit: "*and whenever the county commissioners of either of the counties of Chester, Montgomery and Delaware, shall comply with the provisions of the twelfth section of this act, so far as the same relates to their respective counties, then so much of the said act of the sixth of March, one thousand eight hundred twenty, as authorizes the assessments under provisions therein mentioned of certain sums of money be, and the same is hereby repealed, in such county, in which the provisions of the said twelfth section of this act, are so as aforesaid complied with;*"

Which was agreed to.

The section, as amended, was then agreed to.

Sections ten and eleven, with the title, were severally considered and agreed to.

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 157, entitled "An act dissolving the marriage contract between Nathan Ames and Nancy his wife;"

Was read a second time.

Section one being under consideration,

And on the question,

Will the senate agree to the same?

The yeas and nays were required by Mr. R. Smith, and Mr. Duncan, and are as follow, to wit:

#### YEAS.

Messrs. Barnard,  
Brewster,  
Conyngham,  
Dickerson,  
Feger,  
Fry,  
Groves,  
Herrington,

#### YEAS.

Messrs. Hill,  
Markley,  
M'Meena,  
Orr,  
Power,  
St. Clair,  
Winter.—15.

#### NAYS.

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Henderson,  
Mann,

#### NAYS.

Messrs. Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—15.

So it was determined in the affirmative.

Section two being under consideration,

A motion was made by Mr. Mann and Mr. R. Smith, to amend the same by adding to the end thereof, the following, to wit:

"*Provided*, That nothing herein contained shall deprive the said Mary Ottinger, from all the rights and interests which she now has, or hereafter might have, in the real and personal estate of the said William Ottinger, under the laws of this commonwealth in the same manner as if this act had not been passed."

Which was not agreed to.

The question recurring upon the section ;

The yeas and nays were required by Mr. W. R. Smith and Mr. Dewart, and are as follow, to wit :

## YEAS.

Messrs. Barnard,  
Conyngham,  
Feger,  
Fry,  
Herrington,

## NAYS.

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Henderson,  
Mann,

## YEAS.

Messrs. Hill,  
Markley,  
M'Meens,  
Orr,  
Winter.—10.

## NAYS.

Messrs. Power,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—16.

So it was determined in the negative.

The title was then considered and agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit :

"An act, for the suppression of the branch or office of the State Bank at Camden located in Philadelphia, and all other branches of foreign banks within this commonwealth, excepting the bank of the United States."

"An act for the relief of Jacob Mechling."

"An act for the relief of sundry soldiers and widows of soldiers, of the revolutionary war"

"An act for the relief of sundry soldiers of the revolutionary war."

And said bills were read the first time.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 243, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg Turnpike Road;"

And after some time, the committee rose, and reported the bill with an amendment.

A motion was made by Mr. Conyngham and Mr. St. Clair, that the bill, No. 275, from the House of Representatives, entitled "An act for the relief of sundry soldiers, and widows of soldiers, of the revolutionary war." And,

The bill, No. 277, from the House of Representatives, entitled "An act for the relief of sundry soldiers of the revolutionary war;" be committed to the committee on claims.

Which was not agreed to.

Adjourned until three o'clock, this afternoon.

### *SAME DAY—IN THE AFTERNOON.*

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 150, entitled "An act providing for the election of prothonotaries, registers and recorders and clerks of the orphans' court;"

And after some time the committee rose, reported progress, and obtained leave to sit again on Monday the 24th instant.

On motion of Mr. W. R. Smith and Mr. Winter, the rule for going into committee of the whole, being in this case dispensed with, the bill, No. 177, entitled "An act to authorize a review of a public road, lately laid out from Pine Grove Furnace, to the line between the counties of Cumberland and Adams, at or near the house of Henry Renn," was read a second time; and

On the question,

Will the Senate agree to the first and only section?

It was determined in the negative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill, No. 233, entitled "An act relative to mortgages;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Coleman and Mr. Markley, the Senate adjourned to meet at half past seven o'clock, this evening.

### *IN THE EVENING.*

On motion of Mr. Barnard and Mr. Conyngham, the Senate proceeded to the second reading and consideration of bill, No. 220, entitled "A supplement to the act entitled "An act for the regulation of the militia of this commonwealth;"

Sections one to five inclusive, were considered and agreed to.

Section six being under consideration; and,

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Duncan and Mr. W. R. Smith, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Dickerson,  
Eichelberger,  
Fry,  
Hill,

*NAYS.*

Messrs. Coleman,  
Dewart,  
Duncan,  
Feger,  
Groves,  
Henderson,

*YEAS.*

Messrs. Mann,  
Markley,  
M'Meens,  
Power,  
Shulze,  
Winter,  
Marks, speaker—15.

*NAYS.*

Messrs. Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts.—12.

So it was determined in the affirmative.

Section seven to ten inclusive, were severally considered and agreed to.

Section ten now eleven, being under consideration,

A motion was made by Mr. Hill and Mr. Mann to adjourn.

Which was agreed to;

And the Senate adjourned until nine o'clock, to-morrow morning.

## Friday, March 21, 1823.

Mr. Wurts presented three remonstrances of similar tenor, from sundry citizens of the county of Philadelphia, against the passage of a bill now before the Senate, entitled "A further supplement to an act, entitled "An act to incorporate the township of Moyamensing, in the county of Philadelphia," passed the twenty-fourth day of March, one thousand eight hundred and twelve.

Mr. Markley presented five petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the Susquehanna river.

Mr. Eyster presented a petition from sundry citizens of Adams county, praying the Legislature to appoint three or five disinterested persons to review the Hanover and Carlisle Turnpike Road, and provided it be found upon review that said road has not been made according to law, the gates for receiving toll thereon, may be removed.

Mr. Robertson presented four remonstrances from the select and common councils, the managers of the almshouse, and others.

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city of Philadelphia, against changing the mode of elect-  
the number to be elected, of managers of the Almshouse  
city,

Winter presented a petition and documents from George  
of Northampton county, an old soldier, praying for relief.  
said petitions and remonstrances were read and laid on  
le.

Henderson, from the committee to compare bills and pre-  
hem to the Governor, for his approbation, made report:  
it in conjunction with a similar committee from the House  
representatives, they have compared, and on yesterday pre-  
to the Governor, for his approbation, the bills entitled as  
to wit:

further supplement to an act, entitled "An act to incorpo-  
ne district of Spring Garden."

n act to authorize the Governor to incorporate the Juniata  
e Company, in the county of Huntingdon."

aid on the table.

. Groves, from the committee on that subject, on leave given,  
ed a bill, No. 278, entitled "An act providing for the regula-  
t the the public ground in front of the State Capitol."

Which was read the first time.

e bill, No. 257, entitled "An act incorporating the Pennsyl-  
Agricultural Society;" and.

e bill, No. 157, entitled "An act dissolving the marriage con-  
between Nathan Ames and Nancy his wife;"

Were severally read a third time and passed; and,

dered, That the Clerk present the same to the House of Re-  
natives for concurrence.

motion of Mr. Conyngham and Mr. Brewster, the Senate re-  
d itself into a committee of the whole, Mr. Barnard in the  
, on the "Resolution No. 192, from the House of Representa-  
authorizing the distribution of the sixth and seventh volumes  
e laws of Pennsylvania."

id after some time, the committee rose, and reported the same  
amendments.

And said resolution being under consideration,  
motion was made by Mr Conyngham and Mr. Shulze, that  
urther consideration of the same be postponed for the present.

Which was agreed to.

motion o. Mr. Hill and Mr. Conyngham, the following re-  
tion was twice read, considered and adopted, to wit:

*Resolved.* That the Secretary of the Land Office be, and he is  
by required to transmit to the next Legislature within four  
of their first meeting, a complete return of all the moneys  
to the Commonwealth, from the holders of lands the patents  
which have been granted and the payments secured by mort-  
, or lien endorsed upon the said patent, particularly designa-  
such as have remained out-standing, and unpaid for ten or  
years after the accounts were settled, and the patent is-

On motion of Mr. Dickerson and Mr. Markley, the Senate proceeded to the second reading and consideration of the resolution reported on the 11th instant, relative to the claim of William Holdgate, an old soldier.

Whereupon,

A motion was made by Mr. Markley and Mr. Groves, that said resolution be postponed for the purpose of introducing the following as a substitute, to wit:

*Resolved*, That the committee on claims, be instructed to report a bill, allowing William Holdgate, sixty dollars, to be paid immediately and forty dollars as an annuity, payable from the first of January, one thousand eight hundred and twenty-four."

And on the question,

Will the Senate so postpone?

The yeas and nays were required by Mr. Dickerson and Mr. R. Smith, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Fry,  
Groves,  
Hill,

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eyster,  
Henderson,

**YEAS.**

Messrs. Markley,  
M'Meens,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter.—14.

**NAYS.**

Messrs. Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—13.

So it was determined in the affirmative.

And on the question,

Will the Senate agree to the substitute?

A motion was made by Mr. Orr and Mr. Fry, to amend the same by making "*sixty*" read "*forty*;"

Which was agreed to.

And the question recurring,

Will the Senate agree to the substitute?

The yeas and nays were required by Mr. R. Smith and Mr. Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Brewster,  
Conyngham,

**YEAS.**

Messrs. Dewart,  
Eichelberger,  
Feger,



**YEAS.**

Messrs. Fry,  
Groves,  
Hill,  
Markley,  
M'Meens,

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Henderson,  
Herrington,

**YEAS.**

Messrs. Orr,  
Power,  
Shulze,  
St. Clair,  
Winter.—16.

**NAYS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11

So it was determined in the affirmative.

Whereupon,

Mr. Dickerson, from the committee on claims, reported a bill, No. 279, entitled "An act for the relief of William Holdgate, who rendered services in the militia in the revolutionary war."

Which was read the first time.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, to wit:

"An act to annul the marriage contract of Charles James and Sally his wife"

"An act repealing the act entitled "An act to prevent fishing with nets, &c. in East Conococheague creek, Franklin county."

"An act declaring part of Fishing Creek, a public highway."

"An act granting compensation to Michael Dewalt, the heirs of Charles Kelly and Matthew Jack, for tracts of donation land."

"An act for the relief of Captain Henry Reges, the heirs of John Johnson, and for other purposes."

"An act appropriating money to demonstrate the practical utility of navigating boats against rapids in rivers."

"An act relating to auctioneers."

And said bills were read the first time.

And also, informed, that the House of Representatives have concurred in the amendments by the Senate, to the bill, entitled

"An act declaring the streets, lanes and alleys, in the town of Danville, in Columbia county, public highways."

A motion was made by Mr. Groves and Mr. Brewster, that Senate resume the second reading and consideration of bill No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank."

Which was not agreed to.

The Senate resumed the second reading and consideration of bill No. 220, entitled "A supplement to the act entitled "An act for the regulation of the militia of this Commonwealth."

Section ten now eleven, recurring and being again under consideration. And,

On the question,

Will the Senate agree to the same?

It was determined in the negative.

Sections eleven to thirteen, were severally considered and agreed to.

Section fourteen being under consideration,

And on the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. W. R. Smith and Mr. R. Smith, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Eichelberger,  
Eyster,  
Fry,

*NAYS.*

Messrs. Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Henderson,  
Herrington,  
Hill,

*YEAS.*

Messrs. Groves,  
Markley,  
M'Veens,  
Orr,  
Power,  
St. Clair,  
Winter.—14.

*NAYS.*

Messrs. Mann,  
Robertson,  
Shulze,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—14.

So it was determined in the negative.

Section fifteen now fourteen, being under consideration,

And on the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Wurts and Mr. Dewart, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Brewster,  
Conyngham,  
Dickerson,  
Hill,  
Mann,

*NAYS.*

Messrs. Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Groves,

*YEAS.*

Messrs. Markley,  
M'Veens,  
Orr,  
Power,  
W. R. Smith,  
St. Clair,  
Winter.—14.

*NAYS.*

Messrs. Henderson,  
Herrington,  
Robertson,  
Shulze,  
R. Smith,  
Wurts,  
Marks, speaker.—14.

So it was determined in the negative.

Section sixteen now fourteen, was considered and disagreed to. Section seventeen, eighteen now fourteen, and fifteen, were severally considered and agreed to.

Section nineteen now sixteen, being under consideration,

And on the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Hill and Mr. Winter, and were as follow, to wit,

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham  
Duncan,  
Eyster,  
Feger,  
Henderson,

**YEAS.**

Messrs. Herrington,  
Mann,  
Orr,  
Power,  
W. R. Smith,  
Winter,  
Marks, speaker — 14.

**NAYS.**

Messrs. Brewster,  
Coleman,  
Dewart,  
Eichelberger,  
Fry,  
Hill,  
Markley,

**NAYS.**

Messrs. M'Meens,  
Robertson,  
Shulze,  
R. Smith,  
St. Clair,  
Wurts, — 13.

So it was determined in the affirmative.

Sections twenty and twenty-one, now seventeen and eighteen, were severally, together with the title, agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

Adjourned until three o'clock, this afternoon.

**SAME DAY—IN THE AFTERNOON.**

The bill, No. 243, entitled "An act for the relief of the creditors of the Harrisburg Carlisle and Chambersburg turnpike road;" was read a second time.

Section one being under consideration;

A motion was made by Mr. W. R. Smith and Mr. Dewart, to amend the same, in the fourth line, by striking out the word "several," and inserting in lieu thereof, "Harrisburg, Carlisle and Chambersburg," and in the fifth line, by striking out after the word "road" to the word "Commonwealth," inclusive, and in the seventh line, by striking out after "county," to the word "located," in the tenth line, inclusive, and inserting these words, "of Cumberland," and in the eleventh, fifteenth, twentieth and twenty-second lines, by striking out the words "or bridges."

And on the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Barnard and Mr. Markley, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Conyngham,  
Dewart,  
Dickerson,  
Eichelberger,  
Eyster,  
Feger,

**NAYS.**

Messrs. Barnard,  
Coleman,  
Duncan,  
Henderson,  
Maun,  
Markley,  
M'Meens,

**YEAS.**

Messrs. Groves,  
Herrington,  
Hill,  
R. Smith,  
W. R. Smith,  
Winter,  
Marks, speaker.—14.

**NAYS.**

Messrs. Orr,  
Power,  
Robertson,  
Shulze,  
St. Clair,  
Wurts.—13.

So it was determined in the affirmative.

Sections two and three, were considered and agreed to.

The title being under consideration,

A motion was made by Mr. W. R. Smith and Mr. R. Smith, to postpone the same for the purpose of introducing the following, to wit:

**SECTION 4.** *Be it enacted, &c.* That from and after the passage of this act, in all cases where damages have been, or shall be awarded against any turnpike road company, under the existing laws of this commonwealth, in favor of any person or persons through whose lands or possessions such turnpike road may pass, and the same has been, or shall be confirmed by the proper court, the amount of the said damages shall be certified by the clerks of the proper courts respectively, under the seal of the proper court, a duplicate of each certificate shall be transmitted by the clerk of the proper court, to the State Treasurer, and the certificate given to the person or persons to whom damages have been, or shall be awarded, as aforesaid, shall be received by the State Treasurer, and the amount of the same, shall be paid by him to the holder thereof, or to his order; and the sum so paid, shall be deducted by the State Treasurer, from the appropriation made to such turnpike road: *Provided,* That the sums authorized to be paid by the State Treasurer, under the provisions of the 77th section of the act, entitled "An act for the improvement of the state," shall first be paid out of such appropriation."

Which was not agreed to.

The title recurring was agreed to after adding to the end thereof these words: "*and for other purposes.*"

On the question,  
 Shall said bill be transcribed for a third reading?  
 The yeas and nays were required by Mr. M'Meens and Mr. Robertson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
 Barnard,  
 Brewster,  
 Coleman,  
 Conyngham,  
 Dewart,  
 Dickerson,  
 Eichelberger,  
 Feger,  
 Fry,  
 Groves,

**YEAS.**

Messrs. Hill,  
 Mann,  
 Markley,  
 M'Meens,  
 Power,  
 Shulze,  
 W. R. Smith,  
 St. Clair,  
 Winter,  
 Marks, speaker—21.

**NAYS.**

Messrs. Cadwallader,  
 Herrington,  
 Robertson,

**NAYS.**

Messrs. R. Smith,  
 Wurts.—5.

So it was determined in the affirmative. And,  
*Ordered*, That said bill be transcribed for a third reading.  
 The bill, No. 233, entitled "An act relative to mortgages," was read a second time.

Section one was considered and agreed to.

Section two being under consideration,

A motion was made by Mr. Dewart and Mr. Markley, to amend the same in the fourth line after "*instalments*" by inserting these words: "*with all interest thereon due;*"

Which was agreed to. And,

The section as amended was then agreed to.

Section three being under consideration,

A motion was made by Mr. Barnard and Mr. Markley, to amend the same in the second line by striking out "*given or,*" and inserting after "*be*" the word "*hereafter;*"

Which was agreed to.

And on the question,

Will the Senate agree to the section as amended?

A motion was made by Mr. Dickerson and Mr. Herrington, that the section together with the bill be postponed for the present.

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Brewster in the chair, on bill, No. 208, from the House of Representatives, entitled "An act supplementary to an act entitled "A supplement to an act, entitled "An act, erecting part of Cumberland county into a separate county to be called Perry;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Herrington and Mr. Power, the Senate again resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill, No. 212, entitled "An act directing the survey of a route for a canal, between Lake Erie and French creek;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Coleman and Mr. Henderson, the Senate resolved itself into a committee of the whole, Mr. Conyngham in the chair, on bill, No. 235, entitled "An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle Turnpike Road;"

And after some time, the committee rose, and reported the bill, with amendments.

On motion of Mr. Groves and Mr. Markley, the Senate adjourned to meet at half past seven o'clock, this evening.

### IN THE EVENING.

On motion of Mr. Shulze and Mr. Conyngham, the Senate proceeded to the second reading and consideration of bill, No. 161, from the House of Representatives, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire."

The sections and title were severally considered and agreed to; And,

*Ordered*, That it be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Dewart in the chair, on bill, No. 240, entitled "A further supplement to the act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes."

And after some time, the committee rose, reported progress and obtained leave to sit again on Monday next.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eichelberger in the chair, on bill, No. 256, entitled "A further supplement to an act entitled an act to regulate hawkers and pedlars, passed March thirtieth one thousand seven hundred and eighty-four."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Wurts and Mr. Robertson, said bill was read a second time.

The sections and title were agreed to. And,

On the question;

Shall the bill be transcribed for a third reading?

The yeas and nays were required by Mr. Brewster and Mr. M'Meens, and are as follow, to wit:

**YAES.**

Messrs. Barnard,  
Cadwallader,  
Dewart,  
Duncan,  
Groves,  
Herrington,  
Mann,

**NAYS.**

Messrs. Allhouse,  
Brewster,  
Conyngham,  
Eichelberger,  
Eyster,  
Feger,  
Fry,

**YAES.**

Messrs. Markley,  
Robertson,  
Shulze,  
R. Smith,  
St. Clair,  
Wurts.—13.

**NAYS.**

Messrs. M'Meens,  
Orr,  
Power,  
W. R. Smith,  
Winter,  
Marks, speaker.—13.

So it was determined in the negative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Duncan in the chair, on bill, No. 254, entitled "A supplement to sundry penal laws of this commonwealth."

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. St. Clair and Mr. Duncan, the rule for going into a committee of the whole, being in this case dispensed with,

The bill, No. 187, entitled "A further supplement to an act entitled "An act for taking lands in execution, for the payment of debts, and for confirming partitions in several instances heretofore made;" was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.  
Adjourned until 9 o'clock, to-morrow morning.

Saturday, March 22, 1823.

Mr. Robertson from the committee to whom had been referred, the memorial of Henry S. Tanner, made report :

That it appears that the petitioner is engaged in constructing and publishing an American atlas, which is intended to exhibit a complete geographical and topographical view of the several states of the Union, in connection with general maps of the other parts of the world ; that he has made considerable progress in this important undertaking, and is now employed in preparing that part of the atlas, which embraces the state of Pennsylvania ; and being desirous of obtaining the best and most authentic materials for that purpose, he has made application for permission to have the use of the surveys of the different counties of this commonwealth, which were prepared for making the state map, lately published, to enable him to make his map of the state as perfect as possible. As the committee think that the work in which Mr. Tanner is now engaged, is a very laudible as well as an useful one, and that the publication of such an atlas is calculated to diffuse useful information, and meriting that kind of assistance which he asks from the Legislature ; they are of opinion that his prayer ought to be granted. The committee, therefore, recommend the adoption of the following resolution :

*RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth and the Surveyor General, be and they are hereby authorized and required, to permit Henry S. Tanner, of the city of Philadelphia, to have the use of the surveys of the different counties of this commonwealth, which were furnished to the late John Melish. Also, the use of the state map, to enable the said Henry S. Tanner to improve the map of Pennsylvania, forming a part of the American atlas, which he is now constructing and preparing for publication.*

Laid on the table.

The bill, No. 243, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road, and for other purposes ;" was read a third time. And,

On the question ; Shall the bill pass ?

A motion was made by Mr. M'Meens and Mr. Barnard, to postpone the question, together with the bill, for the present.

Which was agreed to

The bill, No. 187, entitled "A further supplement to an act, entitled "An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made ;" was read a third time and passed. And,

The bill, No. 220, entitled "A supplement to the act entitled "An act for the regulation of the militia of this commonwealth ;" was read a third time. And,

On the question ;

Shall the bill pass ?



A motion was made by Mr. Barnard and Mr. Hill, that Senate again resolve itself into a committee of the whole, for the purpose of re-instating the fifteenth section as follows, to wit:

**SECTION 15.** *And be it further enacted by the authority aforesaid,* That whenever a suit or action shall be commenced against any military officer, constable, collector or other person concerned in the execution of the militia laws of this commonwealth, for any act or acts, done by virtue and in pursuance of said laws, the Brigade Inspector is hereby authorized to employ counsel, if necessary, to attend to, and defend the said suit or action, on behalf of the commonwealth. And the reasonable expenses incurred by the Brigade Inspector, in performing said duty, shall be paid in the manner directed in other cases, by the act to which this is a supplement; the same being first allowed and approved of, by the Brigadier General; *Provided, however,* That the Brigade Inspector shall not so employ counsel, unless satisfied that any such suit or action is brought for some act or acts done by said military officer, constable, collector or other person, in the legal exercise of his duty, in the execution of the said militia laws.

Which was agreed to.

Whereupon,

The Senate again resolved itself into a committee of the whole, Mr. Robertson in the chair, on said bill;

And after some time, the committee rose, and reported said section re-instated in the bill.

And said amendment was read; And,

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Wurts and Mr. Dewart, and are as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dickerson,  
Eichelberger,  
Fry,  
Groves,

### YEAS.

Messrs. Hill,  
Mann,  
Markley,  
M' Meena,  
Orr,  
Power,  
St. Clair—14.

### NAYS.

Messrs. Coleman,  
Dewart,  
Duncan,  
Feger,  
Henderson,  
Herrington,

### NAYS.

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

So it was determined in the affirmative.

And the question recurring,  
Shall said bill pass?

It was determined in the affirmative. And,

**Ordered**, That the Clerk present said bills to the House of Representatives, for concurrence.

The bill, No. 161, from the House of Representatives, entitled "An act to enable the Governor to incorporate a company, for making a canal and lock navigation, on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company, to supply the said borough with water and to insure against fire."

Was read a third time and passed; and,

**Ordered**, That the Clerk return the bill to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

On motion of Mr. Conyngham and Mr. Barnard, the Senate resumed the second reading and consideration of the resolution No. 192, from the House of Representatives, "Authorizing the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress."

And the first section being under consideration,

A motion was made by Mr. Barnard and Mr. Conyngham, to amend the same in the twenty-third line, by inserting these words: "*to each deputy attorney general one copy;*"

Which was agreed to.

A motion was then made by Mr. R. Smith and Mr. Conyngham, further to amend the section in the thirteenth line, by inserting after "*copy*" these words: "*for the use of their respective offices;*"

Which was agreed to.

And the section of the resolution as amended, was then agreed to.

Section two being under consideration,

A motion was made by Mr. Barnard and Mr. M'Meens, to amend the same by adding to the end thereof, the following, to wit: "*and also, one copy each to the other officers of this commonwealth, enumerated in the foregoing section.*"

Which was agreed to.

The section, as amended, was then agreed to.

And said resolution as amended was adopted.

**Ordered**, That the Clerk return the same to the House of Representatives, with information, that the Senate have passed the same with amendments, in which the concurrence of that house is requested.

A motion was made by Mr. Eyster and Mr. Fry, and read as follow-, to wit:

**Resolved**, That the Speaker draw his warrant on the State Treasurer, in favor of George Hanke, for the further sum of three hundred dollars, on account of his contract to print the journal of

the Senate in the German language; he to account for the same, in the settlement of his accounts."

On motion, said resolution was again read; and,

The same being under consideration,

A motion was made by Mr. Cadwallader and Mr. Henderson, to amend the same by making "*three hundred*" read "*two hundred and fifty*;"

Which was not agreed to,

And said resolution was then adopted.

A warrant was accordingly so drawn.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act to change the name of Levi Abraham, to Levi Arnold."

"An act for the security of the state arsenal at Harrisburg, and for the preservation of the state powder magazine, in the county of Philadelphia."

"An act for the election of a constable in the borough of Greensburg."

"A supplement to the act, entitled "An act to provide for the education of children at the public expense, within the city and incorporated boroughs of the county of Lancaster."

"A further supplement to the act entitled "An act for the improvement of the state," passed twenty-sixth of March, one thousand eight hundred and twenty-one.

"An act vesting certain real estate in the New Providence congregation, in Greene county."

"A supplement to an act, entitled "An act relative to the incorporation of a company for erecting a bridge over the river Delaware at Columbia Glass Manufactory," passed nineteenth March, one thousand eight hundred and sixteen.

"An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart."

"An act vesting a title to a certain tract of land in trustees and their successors, for the benefit of the Lutheran and Presbyterian congregations, of Shade township, in the county of Somerset."

"A resolution relative to the erection of shelves in the state library;"

Which were read the first time.

He also returned the bills entitled as follow, to wit:

"A supplement to an act entitled "An act to incorporate the members of the religious Society of Roman Catholics belonging to the congregation of Saint Mary's Church, in the city of Philadelphia," passed the thirteenth September, one thousand seven hundred and eighty-eight.

"A supplement to the act entitled "An act authorizing the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes."

And informed that the House of Representatives have passed the first without and the latter with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

On motion of Mr. Conyngham and Mr. Mann, said amendments were read a second time, considered and concurred in.

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

On motion of Mr. R. Smith and Mr. Fry, the Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair, on bill, No. 223, from the House of Representatives, entitled "An act to regulate the public printing;"

And after some time, the committee rose, and reported the bill with an amendment.

The bill, No. 208, from the House of Representatives, entitled "An act supplementary to an act, entitled "A supplement to an act, entitled "An act erecting part of Cumberland county into a separate county, to be called Perry;" was read a second time.

Section one being under consideration;

A motion was made by Mr. Fry and Mr. Winter, to amend the same, by striking out all that follows the word "*that*," in the third line, and inserting the following, to wit:

"The report of four of the commissioners appointed by the act to which this is a supplement, be and the same is hereby confirmed, and the proceedings of the said four commissioners, together with their report, shall be valid and effectual, to all intents and purposes, in the same manner as they would have been if the five commissioners appointed by the said act, had duly attended."

And on the question;

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Dickerson and Mr. Winter, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Cadwallader,  
Conyngham,  
Dickerson,

#### YEAS.

Messrs. Eichelberger,  
Fry,  
Markley,  
Winter.—8

#### NAYS.

Messrs. Barnard,  
Brewster,  
Coleman,  
Dewart,  
Duncan,  
Eyster,  
Groves,  
Henderson,  
Herrington,

#### NAYS.

Messrs. Mann,  
M'Meens,  
Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—18.

So it was determined in the negative.

On motion of Mr. M'Meens and Mr. Coleman,  
The Senate adjourned to meet at three o'clock, this afternoon.

**SAME DAY—IN THE AFTERNOON.**

The Senate resumed the second reading and consideration of bill, No. 208, entitled "An act supplementary to an act, entitled "A supplement to an act, entitled "An act erecting part of Cumberland county into a separate county, to be called Perry;"

Section one being under consideration,

A motion was made by Mr. R. Smith and Mr. Cadwallader, to fill the first blank with the names of Joseph Huston of Fayette, Samuel Bond, of Columbia, David M'Micken, of Lycoming, Henry Sheets, of Montgomery, and Dr. Phineas Jenks, of Bucks county, and the second blank with the "*first October.*"

Which was agreed to.

A motion was then made by Mr. Barnard and Mr. Cadwallader, to amend the section in the thirty-ninth line, by making "*April*" read "*May,*"

Which was agreed to.

A motion was then made by Mr. Barnard and Mr. R. Smith, further to amend the section, by striking out of the eighth line, these words: "*or a majority,*" and in lieu thereof, inserting "*or any three;*"

Which was agreed to.

A motion was then made by Mr. St. Clair and Mr. Duncan, to amend the section in the fifth line, by inserting after "*sworn,*" the words: "*or affirmed.*"

Which was agreed to.

The section was then agreed to.

Section two and title, were severally considered and agreed to. And,

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 212, entitled "An act directing the survey of a route for a canal, between Lake Erie and French Creek," was read a second time.

Section one being under consideration,

A motion was made by Mr. Robertson and Mr. Duncan, to fill the blank with the names of Thomas Forster, of Erie county, James Herrington, of Crawford, county and William Marks, jr. of Allegheny county.

Which was agreed to.

And the section was then agreed to.

Section two being under consideration,

A motion was made by Mr. R. Smith and Mr. Dewart, to amend the same in the fifth line, by striking out these words, "*by the employment of an engineer or such other aid.*"

Which was not agreed to.

The section was then agreed to.

The title was agreed to; and,

*Ordered*, That said bill be transcribed for a third reading.

The bill, No. 235, entitled "An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle Turnpike Road," was read a second time.

The sections and title, were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

The bill, No 234, entitled "A supplement to sundry penal laws of this Commonwealth," was read a second time.

Section one being under consideration,

And on the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Barnard and Mr. Maun, and are as follow, to wit:

*YEAS.*

Messrs. Cadwallader,  
Coleman,  
Duncan,  
Eyster,  
Groves,  
Henderson,  
Herrington,

*YEAS.*

Messrs. Hill,  
Robertson,  
R. Smith,  
W R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—14.

*NAYS.*

Messrs. Allhouse,  
Barnard,  
Conyngham,  
Dewart,  
Fry,  
Mann,

*NAYS.*

Messrs. Markley,  
M'Veens,  
Power,  
Shulze,  
Winter.—11.

So it was determined in the affirmative.

Section two being under consideration,

A motion was made by Mr. Mann and Mr. Power, to amend the same by adding to the end thereof, "*and the county of Bedford.*"

Which was not agreed to.

A motion was then made by Mr. W. R. Smith and Mr. R. Smith, to amend said section, by adding to the end thereof, these words:

"*Provided*, That this act shall continue in force for the term of three years, from and after the first day of August next, and no longer."

Which was agreed to.

The section and title, were then agreed to; and,

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Markley and Mr. Hill, the Senate resumed the second reading and consideration of bill, No. 233, entitled "An act relative to mortgages;" and

The question recurring,

Will the Senate agree to the third section as amended?

It was determined in the negative.

The title, was then agreed to. And,

On the question,

Shall the bill be transcribed for a third reading?

The yeas and nays were required by Mr. Barnard and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Coleman,  
Cenyngham,  
Hill,  
Mann,

**NAYS.**

Messrs. Cadwallader,  
Dewart,  
Duncan,  
Fry,  
Groves,  
Herrington,

**YEAS.**

Messrs. Markley,  
M'Meens,  
Shulze,  
W. R. Smith,  
St. Clair,  
Marks, speaker.—12.

**NAYS.**

Messrs. Power,  
Robertson,  
R. Smith,  
Winter,  
Wurts.—11.

So it was determined in the affirmative.

On motion of Mr. M'Meens and Mr. Barnard, the Senate resumed the third reading of the bill, No. 243, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg Turnpike Road."

And the question recurring,

Shall said bill pass?

A motion was made by Mr. Barnard and Mr. M'Meens, that the Senate resolve itself into a committee of the whole, on said bill, for the purpose of general amendment;"

Which was agreed to.

Whereupon,

The Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on said bill;

And after some time the committee rose, and reported the bill with amendments.

And said amendments were read, and agreed to.

And on the question,

Shall the bill pass?

It was determined in the affirmative. And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Cadwallader and Mr. Wurts, the rule for going into committee of the whole, being in this case dispensed with, the bill, No. 185, entitled "A supplement to the act entitled "A act to incorporate the trustees of the Newtown Common, in the county of Bucks," was read a second time.

Section one being under consideration,

A motion was made by Mr. Cadwallader and Mr. Wurts, to amend the same in the sixth line, by striking out the word "annu-

ally," and after the word Bucks, in the fifth line, inserting the following: "*on the third Monday in May next, at the place at which they elect constables and supervisors of the highways, under the same rules and regulations by which such elections are governed, and annually thereafter;*"

Which was agreed to;

The section as amended, together with the title, was then agreed to. And,

Ordered, That said bill be transcribed for a third reading.

Adjourned until nine o'clock, on Monday morning next.

## Monday, March 24, 1823.

Mr. Winter obtained leave of absence for Mr. Fry until the end of the session.

Mr. Henderson, from the committee to compare bills, and present them to the Governor, for his approbation, made report:

That, in conjunction with a similar committee from the House of Representatives, they have compared and on Saturday last presented to the Governor, for his approbation, the bills entitled as follow, to wit:

"An act authorizing supervisors to remove obstructions in navigable streams in the county of Tioga."

"An act declaring the streets, lanes and alleys, in the town of Danville, in Columbia county, public highways."

"A supplement to an act entitled "An act to incorporate the members of the religious Society of Roman Catholics, belonging to the congregation of Saint Mary's Church, in the city of Philadelphia," passed the thirteenth day of September, one thousand seven hundred and eighty-eight."

Laid on the table.

Mr. Duncan, from the committee to whom was referred the petition of Charles Carroll, of Carrollton, residing in Baltimore, in the state of Maryland, stating that he had taken up several tracts of land in the state of Pennsylvania, in one thousand seven hundred and ninety-two, for which patents issued to him; that he has since discovered that the surveyor laid part of his survey within the lines of an elder survey, made for the use of Dickinson College, which interference amounts to nearly two thousand acres; that he has also, discovered a further interference of one hundred and ninety-six acres, within the elder survey of the Franklin College lands, and praying the Legislature to fulfil the grants made to him, by his patents, made report:

That from an examination of the journals of the Legislature, it appears to have been settled as a principle, on which numerous applications of holders of unsatisfied land warrants have been



decided; that there was no guaranty by the state to persons taking out warrants for land, either as to its quality or existence; and that there is no contract on the part of the state or its officers, to return to the holders of unsatisfied land warrants, the money paid by them, or any part thereof. Your committee do not consider that the circumstance of the state having become possessed of the Dickinson College lands, gives to the petitioner any additional claims, since the state was a purchaser of these lands for a valuable consideration, and has already made provisions by law for their disposal. No documents have accompanied the petition, which would enable your committee to ascertain whether any circumstances exist in relation to the claim of the petitioner, to distinguish it from the common case of an unsatisfied land warrant; but as the interference of the petitioner's survey with the elder survey of the Dickinson College lands amounts to an unusual large quantity of land; and perhaps circumstances may exist to distinguish this claim from the cases already settled, which the shortness of the session will prevent your committee from ascertaining.

The following resolution is therefore submitted:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that it be referred to the early attention of the next Legislature.

Laid on the table.

Mr. Eyster, from the committee of accounts, made report:

That the following sums annexed to the names of the members and officers of the Senate, are due to them respectively, for their mileage and pay during the present session of the Legislature, up to the first day of April next, inclusive, the day of the final adjournment agreed on by both Houses.

	<i>Days.</i>		<i>Miles.</i>		
Henry Allshouse	120	at	\$3	350	at 15 cts. \$412 50
Isaac D. Barnard	107	do		150	do \$43 50
Jonah Brewster	120	do		348	do 412 20
Cyrus Cadwallader	120	do		272	do 400 80
Edward Coleman	120	do		72	do 370 80
Redmond Cynnyngham	46	do		200	do 168 00
Lewis Dewart	77	do		104	do 246 60
Joshua Dickerson	120	do		468	do 430 20
Stephen Duncan	120	do		214	do 392 10
Frederick Eichelberger	120	do		24	do 563 60
Jacob Eyster	120	do		70	do 370 50
Conrad Feger	120	do		112	do 376 80
Joseph Fry	120	do		200	do 390 00
Daniel Groves	120	do		264	do 390 60
Matthew Henderson	120	do		110	do 376 50
Jacob Herrington	80	do		510	do 316 50
Rees Hill	120	do		468	do 430 20
James B. Hubley	72	do		106	do 231 90
James Kelton	40	do		140	do 141 00
Alexander Mahon	120	do		36	do 365 40

	<i>Days.</i>		<i>Miles.</i>		
David Mann	120	at \$3	210	at 15 cts.	391 50
Philip S Markley	120	do	192	do	388 80
John M' Meens	120	do	200	do	390 00
Robert Orr	120	do	400	do	420 00
Samuel Power	120	do	456	do	428 40
James Robertson	120	do	204	do	390 60
J Andrew Shulze	120	do	50	do	367 50
Robert Smith	120	do	192	do	379 80
William R. Smith	120	do	180	do	387 00
John St Clair	120	do	400	do	420 00
Henry Winter	120	do	228	do	394 20
John Wurts	120	do	204	do	390 60
William Marks, Spr.	120	\$4	416	do	542 40
John De Pui, Clerk	118	do	\$472		
Salary			390		772 00
William Stewart, Assist.	114	do	456		
Salary			150		606 00
William Shannon, Sergeant					
at arms	120	at \$2	240		
Salary			100		340 00
Robert Dickey, Door					
keeper	120	do	240		
Salary			180		340 00
Lawrence Lewis, Assist.	120	at	\$1 50		180 00

*Resolved*, That the speaker draw his warrant on the State Treasurer, in favor of the members and officers of the Senate, for the amount due to them respectively.

Laid on the table.

The bill, No. 185, entitled "A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common in the county of Bucks."

The bill, No. 212, entitled "An act directing the survey of a route for a canal between Lake Erie and French Creek."

The bill, No. 233, entitled "An act relative to mortgages."

The bill, No. 235, entitled "An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road." And,

The bill, No. 254 entitled "A supplement to sundry penal laws of this commonwealth;"

Were severally read a third time and passed. And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The bill, No. 208, from the House of Representatives, entitled "An act supplementary to an act entitled "A supplement to an act entitled "An act erecting part of Cumberland county, into a separate county to be called Perry;"

Was read a third time, and passed. And,

*Ordered*, That the Clerk return the bill to the House of Representatives, with information, that the Senate have passed the

same with amendments, in which the concurrence of that house is requested.

The bill, No. 223, entitled "An act to regulate the public printing," was read a second time.

Section one being under consideration,

A motion was made by Mr. Barnard and Mr. Dewart, that the same, together with the bill, be postponed, and recommended to the early attention of the next Legislature.

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 46, entitled "A further supplement to the act entitled "An act concerning divorces;"

And after some time, the committee rose, and reported the bill negatived.

Which report was concurred in.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 50, entitled "An act authorizing the several recorders of this Commonwealth, to make an index of the records within their respective offices;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Barnard and Mr. Mann,

Said bill was read a second time.

The sections were severally considered and agreed to.

The title was agreed to after being amended, to read as follows: "An act to authorize the making of certain indexes."

*Ordered*, That said bill be transcribed for a third reading.

On motion of Mr. Hill and Mr. Dickerson, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 64, entitled "An act authorizing the Governor to appoint commissioners, to view and lay out a state road, in Washington and Greene counties," was read a second time.

The sections were severally considered and agreed to.

The title was agreed to after being amended to read as follows: "An act authorizing commissioners to view and lay out a state road in Washington and Greene counties."

On motion of Mr. Hill and Mr. Dickerson, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed; and,

*Ordered*, That the Clerk present the same to the House of Representatives, for concurrence.

The bill, No. 129, entitled "An act establishing an additional district of the supreme court, and for other purposes;" being in order for this day; and,

On the question,

Will the Senate proceed to the consideration of the same?

The yeas and nays were required by Mr. Markley and Mr. Barnard, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Conyngham,  
Groves,  
Mann,  
Markley,  
M'Meens,

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,

**YEAS.**

Messrs. Power,  
Shulze,  
St. Clair,  
Winter,  
Wurts,  
Marks, Speaker.—12

**NAYS.**

Messrs. Eyster,  
Henderson,  
Herrington,  
Hill,  
Robertson,  
R. Smith,  
W. R. Smith.—14.

So it was determined in the negative.

The Clerk of the House of Representatives, being introduced, presented for concurrence the bills entitled as follow, to wit:

"An act for the relief of Allegheny College"

"An act relating to taxes on real estate in the city and county of Philadelphia."

"An act authorizing the Treasurer of Venango county, to sell unseated lands in said county, and to empower the commissioners of Indiana county to sell certain lands."

"An act to incorporate a company for making a turnpike road from the house of Martin Byrne, on the old Franklin road, to John Brown's, at the place where it intersects the Butler and Mercer turnpike road."

Which bills were read the first time.

He also informed that the House of Representatives have concurred in the amendments by the Senate, to the "Resolution authorizing the distribution of the sixth and seventh volumes of the laws of Pennsylvania."

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. Cadwallader in the chair on bill, No. 155, entitled "An act making copies of certain documents, records and papers, evidence courts in justice."

And after some time, the committee rose, and reported the bill, with an amendment.

On motion of Mr. W. R. Smith and Mr. Barnard, said bill was read a second time;

The section and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No. 186, entitled "An act authorizing John M'Meens and Edward Ritchey, to sell and convey certain lands in Centre county."

And after some time, the committee rose, and reported the bill, with amendments.

On motion of Mr. R. Smith and Mr. Markley, said bill was read a second time;

The section, title and preamble, were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 211, entitled "An act to authorize, the courts of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Carlisle to Hanover;"

And after some time, the committee rose, and reported the bill, with amendments.

On motion of Mr. Eichelberger and Mr. R. Smith, said bill was read a second time.

The sections were severally considered and agreed to;

The title was agreed to after being amended to read as follows:

"An act to authorize the court of common pleas of Cumberland county to grant a review of a part of the turnpike road from Hanover to Carlisle." And,

*Ordered*, That it be transcribed for a third reading.

On motion of Mr. Barnard and Mr. M'Meens, the rule for going into committee of the whole, being in this case dispensed with, the bill, No. 181, entitled "An act for the relief of Tacy Coats;" was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

The Senate proceeded to the second reading and consideration of sections one and two of bill, No. 213, entitled "A further supplement to an act entitled "An act to declare and regulate escheats," reconsidered on the seventeenth instant.

Section one being again under consideration,

A motion was made by Mr. W. R. Smith, and Mr. St. Clair, to amend the same in the eighth line, by striking out "*adjoining*" and in-lieu thereof inserting "*other*," and after the word "*county*" in the ninth line, inserting these words: "*in this commonwealth*;"

Which was not agreed to.

And on the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Markley and Mr. St. Clair, and are as follow, to wit;

**YEAS.**

Messrs. Coleman,  
Conyngham,  
Eichelberger,  
Feger,  
Groves,  
Herrington,  
Mann,

**YEAS.**

Messrs. Markley,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts.—13.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Dewart,  
Eyster,

**NAYS.**

Messrs. Hill,  
M'Meens,  
Power,  
R. Smith,  
Marks, speaker.—10.

So it was determined in the affirmative.

Section two being under consideration,

A motion was made by Mr. W. R. Smith and Mr. St. Clair, to amend the same by striking out "*deputy escheator*," and in lieu to insert "*by the proper officer*;"

Which was agreed to.

And the section as amended was then agreed to.

The title was agreed to. And,

*Ordered*, That the bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Mann in the chair, on bill No. 216, entitled "An act for the more certain administration of justice within the city and county of Philadelphia;"

And after some time, the committee rose, reported progress, and obtained leave to sit again this afternoon.

Adjourned until three o'clock, this afternoon.

**SAME DAY—IN THE AFTERNOON.**

The bill, No. 217, entitled "A further supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton;" being an order for this day;

And on the question,

Will the Senate proceed to consider the same?

The yeas and nays were required by Mr. Markley and Mr. St. Clair, and are as follow, to wit:

*YEAS.*

Messrs. Barnard,  
Coleman,  
Conyngham,  
Eyster,  
Groves,  
Mann,

*NAYS.*

Messrs. Allshouse,  
Dewart,  
Duncan,  
Eichelberger,

*YEAS.*

Messrs. Markley,  
Robertson,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

*NAYS.*

Messrs. Henderson,  
R. Smith,  
St. Clair.—7.]

So it was determined in the affirmative.

On motion of Mr. Wurts and Mr. Markley, the rule for going into a committee of the whole, being in this case dispensed with, said bill was read a second time.

The first and only section being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Markley and Mr. R. Smith, and are as follow: to wit:

*YEAS.*

Messrs. Conyngham,  
Duncan,  
Groves,  
Herrington,  
Markley,  
M'Meens,

*NAYS.*

Messrs. Allshouse,  
Dewart,  
Dickerson,  
Eichelberger,  
Eyster,  
Henderson,

*YEAS.*

Messrs. Orr,  
Power,  
Shulze,  
W. R. Smith,  
Winter,  
Wurts.—12.

*NAYS.*

Messrs. Mann,  
Robertson,  
R. Smith,  
St. Clair,  
Marks, speaker.—11.

So it was determined in the affirmative.

The title was agreed to. And,

*Ordered*, That the bill be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Henderson in the chair, on bill, No. 222, entitled "An act to authorize the settlement of certain accounts, between the government of the United States and this Commonwealth;"

And after some time, the committee rose, and reported the bill, with amendments.

On motion of Mr. Barnard and Mr. M'Meens, said bill was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. M'Meens in the chair, on bill, No. 228, entitled "A supplement to the act entitled "An act to prevent kidnapping;"

And after some time the committee rose, reported progress, and asked leave to sit again.

And on the question,

Shall the committee of the whole have leave to sit again?

It was determined in the negative.

On motion of Mr. Conyngham and Mr. Dewart, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 229, entitled "An act providing for the payment of an assistant surveyor, employed in laying out a state road from Berrysburg, to Reading," was read a second time.

The section and title were severally considered and agreed to; And,

*Ordered*, That it be transcribed for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No. 238, entitled "An act relative to the entry of writs of testatum fieri facias;"

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Conyngham and Mr. Dewart, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

On the question,

Shall the bill be transcribed for a third reading?

A motion was made by Mr. Mann and Mr. St. Clair, to reconsider the vote on the first section of said bill, for the purpose of amendment.

Which was agreed to.

A motion was then made by Mr. Mann and Mr. W. R. Smith, to amend the same by striking out all that follows the word "longer" in the sixteenth line, to the end of the section.

Which was agreed to.

A motion was made by Mr. Barnard and Mr. Markley, further to amend the section by adding to the end thereof, the following, to wit: "And provided, that the plaintiff or plaintiffs in any such testatum fi. fa. upon the amount thereof being discharged, shall enter satisfaction therefor in the same manner and under the same penalties that satisfaction is now required to be entered on judgments,"



Which was agreed to.

A motion was then made by Mr. V. R. Smith and Mr. St. Clair, to amend the section in the sixteenth line, by striking out these words, "*and no longer,*" and in lieu thereof to insert the words: "*unless the debt or damages, and costs be sooner paid.*"

Which was agreed to.

The section, as amended, was then agreed to; and,

The question recurring,

Shall said bill be transcribed for a third reading?

It was determined in the affirmative; and,

*Ordered*, That said bill be transcribed for third reading.

On motion of Mr. Markley and Mr. Conyngham, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 239, entitled "An act to annul the marriage of Joseph Robeson and Barbara his wife," was read a second time.

The first and only section being under consideration; and

On the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. Duncan and Mr. Markley, and are as follow to wit:

#### YEAS.

Messrs. Eyster,  
Feger,  
Herrington,  
Hill,

#### YEAS,

Messrs. Markley,  
M'Meens,  
Orr,  
Winter.—8.

#### NAYS.

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Groves,

#### NAYS.

Messrs. Henderson,  
Mann,  
Robertson,  
Shulze,  
R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—17.

So it was determined in the negative.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Markley in the chair, on bill, No. 241, entitled "An act appointing trustees to close the concerns of the Silver Lake Bank;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. M'Meens and Mr. Conyngham, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That the bill be transcribed for a third reading.

On motion of Mr. W. R. Smith and Mr. Dewart, the Senate adjourned to meet at half past seven o'clock, this evening.

### IN THE EVENING.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 255, entitled "An act providing for the recovery of fines assessed upon citizens of this state, for the non-performance of militia duty, during the late war with Great Britain, and for other purposes;"

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. W. R. Smith and Mr. Barnard, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

A motion was made by Mr. Hill and Mr. Orr, that Senate proceed to consider bill No. 234, entitled "An act to authorize the accountant officers to settle and pay certain military accounts;"

And on the question,

Will the Senate agree to consider said bill?

The yeas and nays were required by Mr. Hill and Mr. Wurts, and are as follow, to wit:

#### YEAS.

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dewart,  
Eyster,  
Groves,  
Herrington,

Messrs. Hill,  
Mann,  
Markley,  
Orr,  
Power,  
W. R. Smith,  
Winter.—14.

#### NAYS.

#### NAYS.

Messrs. Duncan,  
Feger,  
Henderson,  
M'Veens,  
Robertson,

Messrs. Shulze,  
R. Smith,  
Wurts,  
Marks, speaker—9.

So it was determined in the affirmative.

Whereupon,

The Senate resolved itself into a committee of the whole, Mr. Shulze in the chair, on said bill;

And after some time the committee rose, and obtained leave to sit again to-morrow.

On motion of Mr. Mann and Mr. Conyngham, the rule for going into a committee of the whole being in this case dispensed with, the bill No. 259, entitled "An act relative to actions of ejectment," was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be transcribed for a third reading.

On motion of Mr. Markley and Mr. Mann, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 269, entitled "An act authorizing the executors of John Markley, late of Montgomery-county, deceased, to convey certain real estate," was read a second time.

The first and only section being under consideration,

On motion, the Senate adjourned until nine o'clock, to-morrow morning.

## Tuesday, March 25, 1823.

Mr. Wurts presented fourteen petitions of similar tenor, relative to the Chesapeake and Delaware canal, and the improvement of the river Susquehanna.

Which were read and laid on the table.

Mr. M'Meens obtained leave to withdraw from the files of the present session, the petition and documents of Stephen Wilson.

Mr. Markley obtained leave to withdraw from the files of the present session, the petition and documents of Joseph Robeson.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report :

That, in conjunction with a similar committee from the House of Representatives, they have compared, and on yesterday presented to the Governor, for his approbation, the resolution entitled as follows, to wit:

"Resolution authorizing the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress."

Laid on the table.

The bill, No. 59, entitled "An act to authorize the making of certain indexes."

The bill, No. 155, entitled "An act making copies of certain documents, records and papers, evidence in courts of justice."

The bill, No. 181, entitled "An act for the relief of Facy Coates."

The bill, No. 186, entitled "An act authorizing John M'Meens and Edward Ritchey, to sell and convey certain lands in Centre county."

The bill, No. 211, entitled "An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle."

The bill, No. 213, entitled "A further supplement to an act entitled "An act to declare and regulate escheats."

The bill, No. 217, entitled "A further supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

Was read a third time; and

On the question,

Shall said bill pass?

The yeas and nays were required by Mr. R. Smith and Mr. Markley, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Conyngham,  
Duncan,  
Eyster,  
Groves,  
Herrington,

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dewart,  
Dickerson,  
Henderson,

**YEAS.**

Messrs. Markley,  
M'Meens,  
Orr,  
Shulze,  
Winter,  
Wurts.—12.

**NAYS.**

Messrs. Mann,  
Robertson,  
R. Smith,  
St. Clair,  
Marks, speaker—10.

So it was determined in the affirmative.

The bill, No. 222, entitled "An act to authorize the settlement of certain accounts between the government of the United States and this commonwealth.

The bill, No. 229, entitled "An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.

The bill, No. 238, entitled "An act relative to the entry of writs of testatum fieri facias, was read a third time; and

On the question,

Shall said bill pass?

The yeas and nays were required by Mr. R. Smith and Mr. W. R. Smith, as follow, to wit:

**YEAS**

Messrs. Allshouse,  
Barnard,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**YEAS.**

Messrs. Groves,  
Henderson,  
Mann,  
Markley,  
Orr,  
Shulze,  
W. R. Smith  
St. Clair—17

*NAYS.*

Messrs. Cadwallader,  
Dickerson,  
Herrington,  
Hill,  
M' Meens,

*NAYS.*

Messrs. Robertson,  
R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—10.

So it was determined in the affirmative.

The bill, No. 241, entitled "An act appointing trustees to close the concerns of the Silver Lake Bank, was read a third time, And,

On the question,  
Shall the bill pass?

The yeas and nays were required by Mr. R. Smith and Mr. Barnard, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dewart,  
Eichelberger,  
Eyster,  
Groves,  
Henderson,  
Herrington,  
Hill,

*YEAS.*

Messrs. Mann,  
Markley,  
M' Meens,  
Orr,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—20.

*NAYS.*

Messrs. Cadwallader,  
Duncan,  
Feger,

*NAYS.*

Messrs. R. Smith,  
Wurts.—5.

So it was determined in the affirmative.

The bill No. 253, entitled "An act providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty during the late war with Great Britain, and for other purposes."

And the bill, No. 259, entitled "An act relative to actions of ejectment;"

Were severally read a third time and passed; and,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

On motion of Mr. Duncan and Mr. Robertson, the Senate proceeded to the second reading and consideration of the resolution laid on the table yesterday, relative to the claim of Charles Carroll of Carrollton.

And the same being under consideration,

A motion was made by Mr. Hull and Mr. Conyngham, to amend

the same by striking from the end thereof these words, "*and that it be referred to the early attention of the next Legislature.*"

Which was agreed to.

And the resolution as amended was then adopted.

On motion of Mr. Robertson and Mr. Herrington, the resolution laid on the table yesterday, relative to the petition of Henry S. Tanner, was read a second time.

And the same being under consideration,

A motion was made by Mr. Robertson and Mr. Herrington, to amend the resolution to read as follows, to wit:

*"Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Secretary of the Commonwealth and the Surveyor General, may permit Henry S. Tanner of the city of Philadelphia, to have the use of the surveys of the different counties of this Commonwealth, which were furnished to the late John Melish; also, the use of the state map, to enable the said Henry S. Tanner to improve the map of Pennsylvania, forming a part of the American Atlas, which he is now constructing and preparing for publication. And the Secretary of the Commonwealth and the Surveyor General, are hereby required to take sufficient security from the said Henry S. Tanner, that the said surveys shall be returned within a reasonable time and uninjured."*

On motion of Mr. R. Smith and Mr. Robertson, the further consideration of said resolution, was postponed for the present.

A motion was made by Mr. Hill and Mr. Barnard, and read as follows, to wit:

*"The general dissemination of practical governmental knowledge and information, as well as the inculcation of political science, generally, in an infant and growing republic, is of the highest interest not only to those who are intrusted with the direction of the political concerns and municipal regulations of a state or nation, but also to all who feel a concern for the immediate welfare, the general prosperity and the lasting and permanent happiness and independence thereof. The fact that there are twenty-odd states in this Union, and that no two of those states are governed by constitutions or laws which are alike in their provisions; that the legislative bodies of the different states are differently organized, and are vested with different powers, the members thereof are elected for different terms of service, and by citizens differently qualified; that the executive power is exercised by an individual in some states, and in others, by a plurality; that, in some states, the executive is elected by the citizens, and in others appointed by the members of the Legislature; that in some states the executive is elected or appointed for one year only, and in others, for several years; that in some states, the executive exercises a legislative veto, and in others, no such power is attached to that of the executive; that in some states, the power of appointing to office, is very extensively exercised by the executive, and in other states, the executive appointing power is quite limited; that the judiciary in the several states is differently organized, and vested with dif-*

ferent powers; that the judicial officers in different states, are appointed by different authorities, and commissioned for different terms of service; that the administration of law, in similar cases, in different states, is different in many important particulars; that the different state treasuries are supplied from various and very different sources; that the dissimilarity in the organization of the state government, and in the administration of the laws, is so great, as to render it almost certain, that valuable improvements in our system of state government could be made, were it undertaken by persons properly informed and really disposed to improve the practical operations of a republican government. In order to obtain, if practicable, a correct official data, to aid those who may be desirous to perform a labor of such high importance to the citizens of this Union: therefore,

*"Be it resolved by The Senate and House of Representatives of the Commonwealth of Pennsylvania, That the Governor, for the time being, be, and he is hereby, authorized and required, to correspond yearly, in the recess of the Legislature, with such of the executives of the different states of this Union, as are willing to correspond with him on the subject, for the giving and receiving information on the following subjects, (or as many of them as they shall acquiesce in,) and on such other matters, as he or they are disposed to communicate, and which correspondence the Governor shall annually lay before the Legislature, to wit: How many members compose the state Legislature? What number in each branch? What is the average length of the Legislative sessions? How many sessions in a year? How many compose the executive department? And what are the general executive powers? By whom is the executive elected or appointed? And for what term of service? How many classes of courts? And what number of judges compose the supreme court? How many the court of common pleas, and also the court of quarter sessions? Whether there is, or is not, a court of chancery? And what are the general powers of the several courts? By whom are the judges appointed? And for what term of service commissioned? How are the justices of the peace put into office? And what is their term of service? Also, the extent of power given to them? From what source is the state revenue derived? How many banks in the state? And, upon what terms and principles are they chartered?"*

On motion of Mr. Hill and Mr. Orr, said resolution was again read; considered and adopted. And,

*Ordered*, That the Clerk present the same to the House of Representatives for concurrence.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bills entitled as follow, viz:

"An act to annex part of Lycoming county to Clearfield county"

"An act for the relief of the Harrisburg and Millerstown turnpike road company."

"A supplement to the act entitled "An act laying a duty on the retailers of foreign merchandise."

"An act establishing and altering certain election districts."

"An act authorizing the Governor to obtain money on loan, and for other purposes."

And said bills were read the first time.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts, and resolution of the General Assembly, and directed the Secretary of the Commonwealth to return the same to the House of Representatives in which they originated, to wit:

"An act to authorize the Governor to incorporate the Juniata Bridge Company, in the county of Huntingdon."

"A further supplement to an act entitled "An act to incorporate the district of Spring Garden."

"An act authorizing supervisors to remove obstructions in navigable streams in the county of Tioga."

"An act declaring the streets, lanes and alleys in the town of Danville, in Columbia county, public highways;" and a

Resolution authorizing the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress.

JOSEPH HIESTER.

March 15, 1823.

Laid on the table.

On motion of Mr. Eyster and Mr. Cadwallader, the report and resolution laid on the table yesterday, relative to the settlement of the pay of the members and officers of the Senate, was read a second time.

Whereupon,

A motion was made by Mr. M'Meens and Mr. Hill, to amend said report, so as to allow each member respectively, pay for one hundred and twenty days; except the member from Northumberland, who was not elected at the time.

On the question,

Will the Senate agree so to amend?

The yeas and nays were required, by Mr. M'Meens and Mr. Eichelberger, and are as follow, to wit:

**YEAS.**

**YEAS.**

Messrs. Allshouse,  
Dickerson,  
Duncan,  
Hill,  
Markley,

Messrs. M'Meens,  
Orr,  
Power,  
Robertson,  
Wurts.—10.



**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Eichelberger,  
Eyster,  
Groves,  
Henderson,

**NAYS.**

Messrs. Mann,  
Shulze,  
K. Smith,  
W. R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—14.

So it was determined in the negative.

A motion was then made by Mr. Coleman and Mr. Cadwallader, to amend said report, by making "forty," opposite to the name of Mr. Kelton, read "sixty days;" And,

On the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Coleman and Mr. Henderson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Coleman,  
Duncan,  
Henderson,  
Power,

**YEAS.**

Messrs. Robertson,  
St. Clair,  
Winter,  
Wurts,  
Marks, speaker.—10.

**NAYS.**

Messrs. Dewart,  
Dickerson,  
Eichelberger,  
Groves.  
Hill,  
Mann,

**NAYS.**

Messrs. Markley,  
M'Meens,  
Orr,  
Shulze,  
R. Smith,  
W. R. Smith.—12.

So it was determined in the negative. And,

On the question,

Will the Senate adopt said resolution?

It was determined in the affirmative.

Warrants were accordingly so drawn.

The bill, No. 269, entitled "An act authorizing the executors of John Markley, late of Montgomery county, deceased, to convey, certain real estate."

Was read a second time,

Section one being again under consideration,

A motion was made by Mr. Conyngham and Mr. Barnard, that it, together with the bill, be postponed for the present.

Which was agreed to.

On motion of Mr. Conyngham and Mr. Shulze, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 278, entitled "An act providing for the regula-

tion of the public ground, in front of the State Capitol," was read a second time.

The first and only section being under consideration.

A motion was made by Mr. Groves and Mr. Shulze, to amend the same, by striking out of the sixth and seventh lines, the words "*proper height*," to make "*to*" read "*towards*," and in the seventh line, after the word "*street*," to insert these words, "*and the earth shall be deposited in the low ground in front of the Capitol with the consent of the owners*;" and to fill the blank with "*one thousand dollars*."

Which was agreed to.

On the question.

Will the Senate agree to the section as amended?

The yeas and nays were required, by Mr. Barnard and Mr. Dewart, and are as follow, to wit:

### YEAS.

Messrs. Barnard,  
Coleman,  
Conyngham,  
Duncan,  
Eichelberger,  
Eyster,

### YEAS,

Messrs. Groves,  
Markley,  
Robertson,  
Shulze,  
W. K. Smith,  
Wurts,—12.

### NAYS.

Messrs. Allshouse,  
Cadwallader,  
Dewart,  
Feger,  
Henderson,  
Herrington,  
Mann,

### NAYS.

Messrs. M'Meena,  
Orr,  
Power,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—14.

So it was determined in the negative.

Adjourned until three o'clock, this afternoon.

### SAME DAY—IN THE AFTERNOON.

On motion of Mr. Robertson and Mr. Herrington, the resolution under consideration this morning, relative to the application of Henry S. Tanner, for the use of the state map, was again read and adopted.

*Ordered*, That the Clerk present the same to the House of Representatives, for concurrence.

A motion was made by Mr. Groves and Mr. Conyngham, that Senate resume the second reading and consideration of bill, No. 210, entitled "An act to extend the charter of the Philadelphia Bank.

Which was not agreed to.

On motion of Mr. M'Meens and Mr. Conyngham, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 226, from the House of Representatives, entitled "A supplement to an act entitled "An act appointing commissioners to open and construct a road in Lycoming county from Carpenter's Mill, in Loyalsock township, to Hogland's Mill, in Elkland township," passed the second day of April, one thousand eight hundred and twenty-one was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

Mr Wurts at this time, on leave given, presented a memorial from the representatives of the religious society of Friends in Pennsylvania, representing the impolicy and unconstitutionality of certain laws recently passed by the Legislature, relative to the militia of this Commonwealth.

Which was read and laid on the table.

On motion of Mr. Dickerson and Mr. Orr, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 200, from the House of Representatives, entitled "An act to erect the town of West Middletown, in the county of Washington into a borough, was read a second time.

Section one was considered and agreed to.

Section two being under consideration,

A motion was made by Mr. Dickerson and Mr. Allshouse, to amend the same by making "April" read "May."

Which was agreed to.

The remaining sections, the eleventh having been amended to correspond with the foregoing, were severally considered and agreed to.

The title was agreed to. And,

On motion of Mr. Dickerson and Mr. Allshouse, the rule which prohibits the reading of bills twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return the bill to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

On motion of Mr. Herrington and Mr. Eichelberger, the Senate resolved itself into a committee of the whole, Mr. R. Smith, in the chair, on bill No. 231, from the House of Representatives, entitled "An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Herrington and Mr. Robertson, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

On motion of Mr. Groves and Mr. Conyngham, the Senate re-

solved itself into a committee of the whole, Mr. W. R. Smith in the chair, on bill, No. 207, from the House of Representatives, entitled "An act for the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia."

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Groves and Mr. Conyngham, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading

On motion of Mr. R. Smith and Mr. Barnard, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 281, from the House of Representatives, entitled "An act repealing the act entitled "An act to prevent fishing with nets, &c. in East Conococheague creek, Franklin county," was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

On motion of Mr. Dickerson and Mr. Orr, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 268, from the House of Representatives, entitled "An act vacating a part of the old state road leading from the borough of Washington, in Washington county, towards Wheeling, in Virginia," was read a second time.

The section and title were severally considered and agreed to. And,

On motion of Mr. Dickerson and Mr. Orr, the rule which prohibits bills being read twice in the same day being in this case dispensed with, said bill was read a third time and passed. And

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same without amendment.

On motion of Mr. Eichelberger and Mr. Eyster, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 265, from the House of Representatives, entitled "A supplement to an act entitled "An act to incorporate the York county Manufacturing Company," was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That said bill be prepared for a third reading.

The Clerk of the House of Representatives being introduced, presented for concurrence the resolution and bills entitled as follow, to wit:

"Resolution appointing David Dougal commissioner to ascertain the situation of certain donation lands."

"An act making appropriations to defray certain expenses of government therein mentioned."

"An act for the relief of Samuel Gamble, supervisor of Fal-

nett township, in Franklin county, and John Johnson, of Fayette township, Allegheny county."

And said resolution and bills were read the first time.

And informed that the House of Representatives have concurred in the amendments by the Senate to the bill entitled

"An act to enable the Governor to incorporate a company for making a Canal and Lock Navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company, to supply the said borough with water and to insure against fire."

He further informed, that the House of Representatives have concurred in the amendments by the Senate to the bill entitled

"An act supplementary to an act entitled "An act erecting part of Cumberland county into a separate county, to be called Perry, with amendments, in which the concurrence of the Senate is requested.

Which amendments were read the first time.

On motion of Mr. R. Smith and Mr. St. Clair, the Senate proceeded to the second reading and consideration of said amendments, and concurred in the first amendment by striking therefrom the name of Samuel Bond, of Columbia county, and inserting the name of Abner Lacock, of Beaver county; and nonconcurred in the two next amendments, and concurred in the amendments in the sixteenth, twenty first and thirty-third lines; And,

*Ordered*, That the Clerk inform the House of Representatives accordingly,

The Clerk of the House of Representatives being introduced, presented for concurrence the bill entitled,

"An act to exonerate the estate of the late James Hanna, Esq. deceased, from the payment of certain moneys."

Which bill was read the first time.

He also presented an extract from the the journal of the House of Representatives, which was read as follows, to wit:

*"In the House of Representatives, March 25, 1823.*

"On motion,

*"Resolved by the Senate and House of Representatives, That the joint library committee be authorized to take from the Chamber of the Senate and hall of the House of Representatives, such books as the committee may deem necessary to be placed in the state library for the use of the Legislature."*

The Speaker laid before the Senate a letter from the Secretary of the Commonwealth, which was read as follows,

#### DEPARTMENT OF STATE.

*Secretary's Office, March 25, 1823.*

SIR: I have to request you will be pleased to inform the Senate that sundry depositions, interrogatories and cross examinations, taken in the case of Ichabod Shaw, Esq. a justice of the peace of Luzerne county, before Jesse Fell, Esq. one of the associate judges

of the court of common pleas of the said county, have this day been laid before the House of Representatives, pursuant to an act of the General Assembly, in such case made and provided.

I have the honor, to be,  
Very Respectfully,  
Your obt. servant.

ANDREW GREGG, *Secretary.*

WILLIAM MARKS, jun. Esq.

*Speaker of the Senate.*

Laid on the table.

The Clerk of the House of Representatives being introduced, presented for concurrence, the bill, entitled "An act relating to judgements in the courts of common pleas, within this Commonwealth;"

Which was read the first time.

On motion of Mr. Eyster and Mr. Eichelberger, the Senate proceeded to the consideration of the report of the committee of the whole, on bill, No. 43, from the House of Representatives, entitled "An act authorizing John Rupley to sell certain real estate, the property of Martin and Sarah Houser, minors," postponed on the twenty-first January.

On the question,

Will the Senate agree to said report?

It was determined in the affirmative.

Agreeably to order.

The Senate resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill, No. 250, from the House of Representatives, entitled "An act supplementary to an act, entitled "An act for the improvement of the state;"

And after some time, the committee rose, reported progress and obtained leave to sit again to-morrow.

Adjourned until nine o'clock to-morrow morning.

## Wednesday, March 26, 1823.

Mr. Duncan chairman of the joint library committee, made report, which was read as follows:

*State library in account current with Stephen Duncan, chairman of the joint library committee.*

*Cr.*

1822,

Nov. 28.

April 1822,  
till Dec.

Dec. 26,

To cash paid Cary & Lea for books \$329 39

Do. Sundry persons for books 57 00

Do. Carriage of books to J. Tomlinson 1 50

Do. Do. to Buffington 5 25

\$393 14

	Amount brought forward,	\$393 14
	To cash paid John Wyeth, for Sergeant and Rawle's reports, and official letters of military and naval officers	16 00
	Do. Do. J. B. Stornger, for Graydon's Digest, &c.	6 75
	To William Musgrave, Librarian, for pay as Librarian, by orders on State Treasurer	240 00
	John Conrad, for binding books by order on Treasurer	16 87½
Nov. 28	Do. Do. for books, by order on Treasurer	102 79½
	Do. Do. for books by order on Treasurer	94 40
	Balance remaining in chairman's hands of former appropriations	4 11
	Balance of cash in chairman's hands to be expended in purchasing books ordered by committee	145 93

*Dr.*

By amount of former appropriations drawn by the chairman for purchasing books	\$420 00
By amount of appropriations for 1823	600 00

Laid on the table.

The bill, No. 226, from the House of Representatives, entitled "A supplement to an act, entitled "An act appointing commissioners to open and construct a road, in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township, passed the second day of April, one thousand eight hundred and twenty-one."

The bill, No 224, from the House of Representatives, entitled "An act for the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia."

The bill, No. 281, from the House of Representatives, entitled "An act repealing the act, entitled "An act to prevent fishing with nets, &c. in east Conococheague creek, Franklin county."

The bill, No 231, from the House of Representatives, entitled "An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes."

And the bill, No. 265, from the House of Representatives, entitled "A supplement to an act, entitled "An act to incorporate the York county Manufacturing Company."

Were severally read a third time and passed. And,

Ordered, That the Clerk return said bills, to the House of Representatives, with information that the Senate have passed the same, the first, third and fifth, without amendment, and the se-

cond and fourth, with amendments, in which the concurrence of that house is requested.

On motion of Mr. Wurts and Mr. Robertson, the Senate resumed the second reading and consideration of bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank," postponed on the twentieth instant. And,

The question recurring ;

Will the Senate postpone the first section, for the purpose of introducing the substitute ?

The yeas and nays were required, by Mr. Mann and Mr. Power, and are as follow, to wit :

**YEAS.**

Messrs. Allshouse,  
Eichelberger,  
Eyster,  
Hill,  
Mann,  
Markley,

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

**YEAS.**

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—12.

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.]

So it was determined in the negative.

And the first section recurring, and being again under consideration;

A motion was made by Mr. Barnard and Mr. M'Meens, to amend the same, in the ninth line, after the word "*Bank*," by adding these words : "*or of the Farmers and Mechanics Bank, incorporated by the act of the sixteenth March one thousand eight hundred and nine, entitled 'An act to incorporate the Farmers and Mechanics Bank.'*" And,

On the question,

Will the Senate agree to said amendment ?

The yeas and nays were required, by Mr. Barnard and Mr. Markley, and are as follow, to wit :

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Dewart,  
Eichelberger,

**YEAS.**

Messrs. Feger,  
Hill,  
Mann,  
Markley,



**YEAS.**

Messrs. M'Meens,  
Shulze,  
R. Smith,

**YEAS.**

Messrs. Winter,  
Marks, speaker.—13.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Eyster,  
Groves,  
Henderson,

**NAYS.**

Messrs. Herrington,  
Orr,  
Power,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts —14.

So it was determined in the negative.

A motion was then made by Mr. R. Smith and Mr. Power, to amend the section, in the thirteenth line, by making "thirty-nine," read "thirty-four."

And on the question,

Will the Senate so amend?

The yeas and nays were required, by Mr. R. Smith and Mr. Winter, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Eyster,  
Hill,  
Mann,  
Markley,

**YEAS.**

Messrs. Orr,  
Power,  
R. Smith,  
Winter,  
Marks, speaker—10

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Feger,  
Groves,

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts.—17.

So it was determined in the negative.

A motion was then made by Mr. Hill and Mr. Orr, to amend said section, by adding to the end thereof, the following:

"*Provided*, That the president and directors of the said bank, shall divide into ten equal, annual instalments, the debts that are owing to, and have been contracted at the office of discount and deposit of the said bank, and shall not force a collection of their loans."

And on the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Hill and Mr. Orr,  
and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Hill,  
Mann,  
Markley,  
Orr,

*NAYS.*

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

*YEAS.*

Messrs. Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—10.

*NAYS.*

Messrs. Groves,  
Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—17.

So it was determined in the negative.

On the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. R. Smith and Mr.  
Hill, and are as follow, to wit:

*YEAS.*

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

*NAYS.*

Messrs. Allshouse,  
Eichelberger,  
Eyster,  
Hill,  
Mann,  
Markley,

*YEAS.*

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts.—16.

*NAYS.*

Messrs. Orr,  
Power,  
R. Smith,  
Winter,  
Marks, speaker.—11.

So it was determined in the affirmative.

Section two was considered and agreed to.

Section three, article one, being under consideration,

A motion was made by Mr. R. Smith and Mr. Hill, to amend the article, in the second line, by making "seventeen" read "nineteen;"

Which was not agreed to.

The article was then agreed to.

Articles 2, 3, 4, 5, 6, 7, 8 and 9, were severally considered and agreed to.

Article ten being under consideration,

A motion was made by Mr. R. Smith and Mr. Winter, to amend the same by striking out the proviso, to wit: "*Provided, That this shall not be construed so as to compel the directors to lay before the stockholders a statement of the private account of any individual or individuals.*"

Which was not agreed to.

The article was then agreed to.

Article eleventh being under consideration,

A motion was made by Mr. R. Smith and Mr. Dewart, to amend the same, by striking out of the fifth line, from the word "same," to the word "provided," in the eleventh line, these words: "*and if the said debt shall remain unpaid for the space of sixty days, then, and in such cases, the president of the said bank may, after giving ten days notice thereof, to such stockholder or his agent, cause the said share or shares of such stockholders, or so many thereof as he may deem necessary, to be sold, and after applying the proceeds of sale (deducting expenses) to the payment of said debt, shall hold the surplus, if any, to the credit of said stockholder.*"

And on the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. R. Smith and Mr. Power, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Dewart,  
Eichelberger,  
Mann,  
Markley,

#### YEAS.

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—12.

#### NAYS.

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Feger,  
Groves,  
Henderson,

#### NAYS.

Messrs. Herrington,  
Hill,  
M'Means,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—14.

So it was determined in the negative.

A motion was then made by Mr. Barnard and Mr. R. Smith, to amend the section by adding to the end thereof, the following:

*"And provided further, That when a sale of any such stock is made agreeably to the act entitled 'An act regulating suits on promissory notes, and for taking stock in execution,' on the purchaser or purchasers, producing a certificate thereof to the cashier of the bank, it shall be the duty of the said cashier, to make an entry thereof on the bank books, and the purchaser or purchasers, shall have all the rights to which the debtor whose stock was sold, was or could in any manner be entitled to."*

On the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Barnard and Mr. R. Smith, and are as follow, to wit:

## YEAS.

Messrs. Allshouse,  
Barnard,  
Dewart,  
Eichelberger,  
Hill,  
Mann,  
Markley,

## NAYS.

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Eyster,  
Feger,  
Groves.

## YEAS.

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—13,

## NAYS.

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—14½

So it was determined in the negative.

On the question,

Will the Senate agree to the article?

The yeas and nays were required by Mr. Wurts and Mr. W. R. Smith, and are as follow, to wit:

## YEAS.

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Henderson,

## YEAS.

Messrs. Herrington,  
Hill,  
Markley,  
M'Meeus,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Winter,  
Wurts.—21.

*NAYS.*

Messrs. Allshouse,  
Dewart,  
Mann,  
Orr,

*NAYS.*

Messrs. Power,  
R. Smith,  
Marks, speaker.—7

So it was determined in the affirmative.

Article twelve was agreed to.

Article thirteen being under consideration,

A motion was made by Mr. R. Smith and Mr. Power, to postpone the same for the purpose of introducing the following, as a substitute:

Article thirteen, The company shall make loans to the amount of one tenth part of their capital for a year, to the farmers of this state, if applied for, on sufficient security being given by bond, mortgage or note or otherwise, at six per cent. per annum.

Whereupon,

The yeas and nays were required by Mr. R. Smith and Mr. Power, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barbard,  
Dewart,  
Eichelberger,  
Eyster,  
Hill,  
Mann,

*YEAS,*

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—14

*NAYS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dickerson,  
Duncan,  
Feger,  
Groves,

*NAYS.*

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—14.

So it was determined in the negative.

Articles fourteen to twenty two inclusive, were severally considered and agreed to.

Article twenty-three being under consideration,

A motion was made by Mr. R. Smith and Mr. Power, to amend the same in the eighth line, by inserting after the word "any" the word "such;"

Whereupon,

The yeas and nays were required by Mr. R. Smith and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Dickerson,  
Eichelberger,  
Eyster,  
Hill,  
Mann,

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—14.

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Veens,  
Robertson,  
W R. Smith,  
St. Clair.  
Wurts.—14.

So it was determined in the negative.

And the article was then agreed to

Article twenty-four being under consideration,

A motion was made by Mr R. Smith and Mr. Orr, to amend the same by striking out of the nineteenth and twentieth lines, these words: "*or shall be imprisoned for a term not exceeding five years;*"

Which was not agreed to.

And the article was then agreed to.

Adjourned until three o'clock, in the afternoon.

**SAME DAY—IN THE AFTERNOON.**

The Senate resumed the second reading and consideration of bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank."

Article twenty five being under consideration,

A motion was made by Mr. Mann and Mr. R. Smith, to postpone the same for the purpose of introducing the following as a substitute:

"ARTICLE XXV—Immediately after the declaration of the dividend or nett profits, on the first Monday in November, of every year, the president, directors and company of the said bank, shall transmit eight per cent. of the amount of the dividend, which shall have been declared during the preceding year, to the state treasurer, for the use of the Commonwealth, accompanied with a certificate from the president or cashier of the bank, under oath or affirmation, made before any alderman, or justice of the peace, of the whole amount of the dividends which shall have been declared during the preceding year, including the said first Monday in November. And if any of the said annual payments be not made within two months after the said first Monday of No-

vember, in every year, accompanied with the said certificate, as aforesaid, then and in that case, the said bank shall be liable to interest upon the amount so due to the Commonwealth, at the rate of twelve per cent. per annum, to be computed from the said first Monday of November, until the same be paid; which said principal sum, with the interest, shall be recoverable in any court having competent jurisdiction: *Provided*, That the said tax of eight per cent. shall not be payable on any dividend or dividends, declared prior to the period, at which the present charter of the said bank would expire, if not renewed." And,

On the question,

Will the Senate agree so to postpone?

The yeas and nays were required by Mr. Mann and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Mann,  
Markley,  
Orr,

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart.  
Dickerson,  
Duncan,  
Eichelberger,  
Feger,

**YEAS.**

Messrs. Power,  
R. Smith,  
Winter,  
Marks, speaker.—8.

**NAYS.**

Messrs. Groves,  
Henderson,  
Herrington,  
M' Meens,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts—18.

So it was determined in the negative.

A motion was then made by Mr. Hill and Mr. Mann, to amend said article, by adding to the end thereof, the following:

*And be it further provided*, That the said Philadelphia Bank, shall, in addition to the subscription to be made to the Chesapeake and Delaware canal, pay twenty thousand dollars for the purpose of improving the navigation of the rivers Monongahela and Allegheny; and to remove the obstructions at the entrance of the harbor of Presque-Isle; to be divided agreeably to the following apportionment, viz: Five thousand dollars to be paid to Solomon Krepps, Joseph Enochs and William Leckey, or to their successors, lawfully appointed commissioners, to superintend the improvement of the navigation of the Monongahela river. Which sum shall be expended by them, or any of them, agreeably to the provisions of an act, passed the second of April, 1822, entitled "An act to improve the navigation of the river Monongahela." Five thousand dollars for the purpose of improving the navigation of the river Allegheny, to be paid to commissioners as shall be appointed to superintend the im-

provement of that river; to be by them expended, in such manner as the Legislature shall direct; and the remaining ten thousand dollars to be paid to Thomas Laird, Thomas Forster and Robert Brown, of Erie, to be by them expended in removing the obstructions, which impede the entrance into the harbor of Presque-Isle, in such manner as the Legislature shall direct." And,

On the question,

Will the Senate agree so to amend?

The yeas and nays were required by Mr. Hill and Mr. Allshouse, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Eichelberger,  
Eyster,  
Hill,  
Mann,  
Markley,

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,

**YEAS.**

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker—12.

**NAYS.**

Messrs. Groves,  
Henderson,  
Herrington,  
M' Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts—16.

So it was determined in the negative.

A motion was then made by Mr. R. Smith and Mr. Orr, to amend the section by inserting in the 14th line, after the word "canal," these words: "*the provisions of the foregoing proviso being first complied with by the company.*"

Whereupon,

The yeas and nays were required by Mr. R. Smith and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Dickerson,  
Eichelberger,  
Eyster,  
Hill,  
Mann,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—14.



**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts—14.

So it was determined in the negative.

A motion was then made by Mr. Mann and Mr. R. Smith, to amend the section in the seventh line, by striking out the words: "*the said subscription,*" and inserting, "*this act;*"

Whereupon,

The yeas and nays were required, by Mr. R. Smith and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Eichelberger,  
Eyster,  
Hull,  
Mann,  
Markley,

**YEAS.**

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker—13.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Groves,

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.

So it was determined in the negative.

A motion was made by Mr. Barnard and Mr. Mann, to amend the section, by inserting in the twelfth line, after the word "*annual,*" these words, "*in addition to what has been already expended in the same;*"

Which was not agreed to.

A motion was then made by Mr. Mann and Mr. R. Smith, to amend the section, by inserting in the nineteenth line, after the word "*with,*" these words, "*or applied to the payment of;*"

Which was not agreed to.

The article was then agreed to.

Article twenty-six was considered and agreed to.

Sections three and four were agreed to

Section five being under consideration;

A motion was made by Mr. R. Smith and Mr. Markley, to amend the same in the second line, by making "four," read "six," and in the fourth line, by making "two," read "three;"

Whereupon,

The yeas and nays were required, by Mr. R. Smith and Mr. Hill, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Hill,  
Mann,  
Markley,  
Orr,

**FEAS.**

Messrs. Power,  
Shulze,  
R. Smith,  
Marks, speaker.—9.

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

**NAYS.**

Messrs. Feger,  
Groves,  
Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. G. Smith,  
St. Clair,  
Wurts.—18.

So it was determined in the negative.

A motion was then made by Mr. R. Smith and Mr. Markley, to amend the section in the sixth line, by striking out these words, "*and they shall always be eligible;*"

Which was not agreed to.

The section was then agreed to.

Sections six to nine, inclusive, were severally considered and agreed to.

Section ten being under consideration,

A motion was made by Mr. Dickerson and Mr. Hill, to postpone the same for the purpose of introducing the following, as a substitute :

"SECTION 10. *And be it further enacted, &c.* That in all cases, where a judgment or judgments have been or may hereafter be obtained, in favor of the Philadelphia Bank, against any person or persons for any debt or debts, contracted with said bank, through either of its officers of discount and deposit, in the counties of Washington or Luzerne, where the payment of the debt, and interest thereon shall be secured to said bank, and where the same shall not exceed fifty dollars; and it is hereby made the duty of the late boards of directors, of said officers of discount and deposit, upon application to them made by any debtor, to determine upon all security or securities which may be offered, and where they shall decide that the payment of the debt with the interest thereon, shall be secured to said bank, to be paid as follows: twenty per cent. on

the whole amount of said debt shall be paid at the end of each year, from and after the first day of January, one thousand eight hundred and twenty-three, with all the interest which may have accrued thereon, at the end of every six months from the same date, then and in all such cases, it shall not be lawful for any execution to issue against any such debtor or debtors, but the payment of any such debts shall be made according to the true intent and meaning of this section, and in all cases where executions have been issued, or other legal proceeding had, and the debtor shall comply with the provisions contained in this section, then in all such cases such execution, or other legal proceeding shall be stopped and the parties shall be entitled to all the benefits of this section."

Whereupon,

The yeas and nays were required by Mr. Dickerson and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Dickerson,  
Hill,  
Mann,  
Orr,

**YEAS.**

Messrs. Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, Speaker.—10.

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**NAYS.**

Messrs. Groves,  
Henderson,  
Herrington,  
Markley,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—18.

So it was determined in the negative.

A motion was then made by Mr. Hill and Mr. Dickerson, to postpone the section for the purpose of introducing the following, as a substitute:

SECTION, "*Be it enacted, &c.* That the charter of the "Monongahela Bank of Brownsville and the York Bank," be and the same are hereby re-enacted, with all the restrictions, provisions and prerogatives at present imposed on, or exercised and enjoyed by the corporators, as fully and effectually as if the said charters and all their provisions were herein re-enacted, and set forth in words at length, and shall continue in full force and effect, until the first day of May, in the year one thousand eight hundred and thirty-nine."

Whereupon,

The yeas and nays were required by Mr. Hill and Mr. Eichelberger, and are as follow, to wit:

## YEAS.

Messrs. Allshouse,  
Dickerson,  
Eichelberger,  
Kyster,  
Hill,  
Mann,  
Markley,

## YEAS.

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—13.

## NAYS.

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,

## NAYS.

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.

So it was determined in the negative.

A motion was then made by Mr. Barnard and Mr. Markley, to postpone said section, for the purpose of introducing the following as a substitute:

Sect. 10. *And be it further enacted, &c.* That all and every person or persons, bodies corporate and politic, who now are, or may be at any time, prior to the first day of May, 1824, stockholders or proprietors of the capital stock, in the "Farmers' and Mechanics' Bank," incorporated by the act of the 16th of March, 1809, shall be, and they and their successors and assigns, are hereby, declared, to be one body politic and corporate, by the name, style and title of the "Farmers' and Mechanics' Bank," and shall so continue until the first day of May, 1839, and no longer; and shall be able to sue, be sued, implead and be impleaded, in all courts of record, and elsewhere; and to purchase, have, hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatsoever nature or quality, to an amount, not exceeding one million, two hundred and fifty thousand dollars, including the capital stock of said company; and the said Farmers' and Mechanics' Bank, incorporated as aforesaid, shall be entitled to all the benefits, and subject to all the enactments, provisions, conditions, limitations and restrictions contained in the preceding act, to extend the charter of the Philadelphia Bank, as fully, effectually and completely, as if the same had been herein enacted and set forth at full length, with regard to the said "Farmers' and Mechanics' Bank." Except the twenty-fifth article of the second section, and the fifth, seventh and eighth sections of said act; and the said Farmers' and Mechanics' Bank shall have seventeen directors chosen, annually, by the stockholders, and the said Farmers' and Mechanics' Bank, for the purpose of improving the navigation of the river Susquehanna,

shall pay the sum of \$15,000, annually, for four years, in equal payments, in such manner as shall be directed by law "

Whereupon,

The yeas and nays were required by Mr. Hill and Mr. Eichelberger, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Dewart,  
Mann,  
Markley,  
Orr,

*NAYS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,  
Groves,

*YEAS.*

Messrs. Power,  
Shulze,  
R Smith,  
Winter,  
Marks, speaker—11.

*NAYS.*

Messrs. Henderson,  
Herrington,  
Hill,  
M'Veens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts—17.

So it was determined in the negative. And,  
The section was then agreed to.

The title was agreed to. And,

On the question,

Shall the bill be prepared for a third reading?

The yeas and nays were required by Mr. Hill and Mr. Barnard, and are as follow, to wit:

*YEAS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Groves,

*NAYS.*

Messrs. Allshouse,  
Barnard,  
Eichelberger,  
Hill,  
Mann,  
Markley,

*YEAS.*

Messrs. Henderson,  
Herrington,  
M'Veens,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts—16.

*NAYS.*

Messrs. Orr,  
Power,  
R. Smith,  
Winter,  
Marks, speaker—11;

So it was determined in the affirmative. And,

*Ordered*, That said bill, be prepared for a third reading.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives adhere to their amendments, to the amendments by the Senate, to the bill entitled "An act supplementary to an act, entitled "A supplement to an act entitled "An act erecting part of Cumberland county into a separate county, to be called Perry."

And have appointed Messrs. Holgate, Knight and Hummel, a committee to confer with a similar committee from the Senate, (if the Senate should appoint such committee) on the subject of the said amendments.

On motion of Mr. Markley and Mr. Dickerson,

*Ordered*, That Mr. Markley, Cadwallader and M<sup>rs</sup> Meens, be a committee of conference on behalf of the Senate, to act in conjunction with the foregoing committee of the House of Representatives.

*Ordered*, That the Clerk inform the House of Representatives accordingly

He further informed that the House of Representatives, have concurred in the amendments by Senate, to the bills entitled as follow, to wit:

"An act for the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia."

"An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes."

"An act to erect the town of West Middletown, in the county of Washington, into a borough."

On motion of Mr. Wurts and Mr. Dewart, the Senate adjourned until half past seven o'clock this evening.

### IN THE EVENING.

Agreeably to order,

The Senate again resolved itself into a committee of the whole, Mr. St. Clair in the chair, on bill No. 250, from the House of Representatives, entitled "An act supplementary to an act entitled "An act for the improvement of the state;"

And after some time, the committee rose and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Wurts in the chair, on bill, No. 245, from the House of Representatives, entitled "An act to authorize the Governor, to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford Turnpike Road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

And after some time the committee rose, and reported the bill with amendments.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Allshouse in the chair, on bill, No. 123, entitled "An act authorizing a review of part of the state road leading from the borough of Bedford, through the borough of Indiana, to the town of Franklin."

And after some time the committee rose and reported the bill, with amendments.

On motion of Mr. Conyngham and Mr. M'Meens, said bill was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Conyngham in the chair, on bill No. 261, from the House of Representatives, entitled "An act authorizing a review of part of the state road from Carlisle, through Roxbury, to the Burnt Cabins, and a part of the state road from Berrysburg to Reading;"

And after some time the committee rose and reported the bill, with amendments.

On motion of Mr. Dewart and Mr. Allshouse, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

Agreeably to order,

The Senate resolved itself into a committee, of the whole, Mr. Dewart in the chair, on bill No. 263, from the House of Representatives, entitled "An act to remove the obstructions at the entrance of the harbour of Presque Isle;"

And after some time the committee rose and reported the bill, without amendment.

Adjourned until nine o'clock to-morrow morning.

**Thursday, March 27, 1823.**

Mr. Henderson, from the committee to compare bills, and present them to the Governor for his approbation, made report:

That, in conjunction with a similar committee from the House of Representatives, they have compared and on yesterday presented to the Governor, for his approbation, the bills entitled as follows, to wit:

"A supplement to the act, entitled "An act authorizing the holding of special courts in the counties of Bradford, Keaver, Allegheny and Tioga, and for other purposes."

"An act to erect the town of West Middletown, in the county of Washington, into a borough."

"An act to enable the Governor to incorporate a company for making a canal and lock navigation, on the waters of the Susquehanna river, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire."

"A supplement to an act, entitled "An act appointing commissioners to open and construct a road in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township, passed second April, one thousand eight hundred and twenty-one."

"An act vacating a part of the old state road leading from the borough of Washington, in Washington county, towards Wheeling, in Virginia."

"A supplement to an act, entitled "An act to incorporate the York County Manufacturing Company."

"An act for the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia."

"An act repealing the act entitled an act to prevent fishing with nets, &c. in East Conococheague creek, in Franklin county."

Laid on the table.

Mr. Groves, from the joint committee of the Senate and House of Representatives, appointed to take charge of the public buildings, made report, that they have sold the fence posts standing round the public ground, and to which no fence was attached, for fifty dollars and forty-four cents. The committee therefore offer the following resolution, viz:

*Resolved*, That the sum of fifty dollars and forty-four cents, being the sum received for the fence posts, by the committee to take charge of the public buildings, be paid over to John De Pui, Clerk of the Senate, to be applied by him, towards the payment of the contingent expenses of the Senate, he to account for the same in the settlement of his accounts.

The committee also submit the following resolution, viz:

*Resolved*, That Robert Dickey, door keeper of the Senate, and Thomas Wallace, door keeper of the House of Representatives, be appointed to take charge of the Capitol, during the recess of the Legislature, under the directions of the Clerks of the respective houses, for which service, they shall receive thirty dollars each, for the season.

On motion,

Said resolutions were again read considered and adopted.

Mr. Barnard, from the committee to whom was referred the petition of Elizabeth Smith, praying to be divorced from her husband, Peter Smith; made report, That it appears by her petition, that during the time she lived with her husband, he abused and ill-treated her, and finally abandoned her and child, and has not been heard of, for sixteen years past. But as the petitioner can obtain a divorce, by applying to the court of the county, and as the Senate have uniformly refused to grant divorces in any case



where the party can obtain it under the existing laws, your committee offer the following resolution:

*Resolved.* That the committee be discharged from the further consideration of the subject.

On motion,

Said resolution was read a second time, considered and adopted.

The bills, No. 361, from the House of Representatives, entitled "An act authorizing a review of part of the state road, from Carlisle, through Roxbury to the Burnt Cabins, and a part of the state road from Berrysburg to Reading."

No. 123, from the House of Representatives, entitled "An act suspending the opening of part of a state road, leading from the borough of Bedford through the borough of Indiana, to the town of Franklin, and for other purposes."

Were severally read a third time and passed.

The bill, No. 210, from the House of Representatives, entitled "An act to extend the charter of the Philadelphia Bank," was read a third time; And,

On the question,

Shall the bill pass?

A motion was made by Mr Hill and Mr. Power, that the same be postponed, and recommended to the early attention of the next Legislature.

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. R. Smith, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Eichelberger,  
Eyster,  
Hall,  
Mann,  
Markley,

*YEAS.*

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—13.

*NAYS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Groves,

*NAYS.*

Messrs. Henderson,  
Herrington,  
M'Means,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.

So it was determined in the negative.

A motion was then made by Mr. Shulze and Mr. R. Smith, that the Senate again resolve itself into a committee of the whole, for the purpose of amending the eleventh, twenty-third and twenty-fifth articles, of the third section.

Whereupon,

The yeas and nays were required by Mr. R. Smith and Mr. Hill, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Eichelberger,  
Eyster,  
Hill,  
Mann,  
Markley,

*YEAS.*

Messrs. Orr,  
Power,  
Shulze,  
R. Smith,  
Winter,  
Marks, speaker.—13.

*NAYS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Groves,

*NAYS.*

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.

So it was determined in the negative.

And the question recurring,  
Shall said bill pass?

The yeas and nays were required by Mr. Hill and Mr. Dickerson, and are as follow, to wit:

*YEAS.*

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Dickerson,  
Duncan,  
Feger,  
Groves,

*YEAS.*

Messrs. Henderson,  
Herrington,  
M'Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—15.

*NAYS.*

Messrs. Allshouse,  
Barnard,  
Eichelberger,

*NAYS.*

Messrs. Eyster,  
Hill,  
Mann,

*NAYS.**NAYS.*

Messrs. Markley,  
Orr,  
Power,  
Shulze,

Messrs. R. Smith,  
Winter,  
Marks, speaker.—13.

So it was determined in the affirmative.

The Clerk of the House of Representatives being introduced, returned the bills, entitled,

"An act to authorize the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate."

"A supplement to the act entitled 'An act establishing an academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes.'"

"An act to authorize the sale of the interest of minor children, in certain real estate."

"A supplement to the act, entitled 'An act to compel assignees to settle their accounts, and for other purposes.'"

"An act to authorize the settlement of certain accounts between the government of the United States and this Commonwealth."

"An act to authorize John Johnson, the administrator of the Rev. James Johnson, to convey a certain piece of ground."

"An act to authorize and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate."

And informed that the House of Representatives, have passed the first five without and the two latter with amendments, in which the concurrence of the Senate is requested.

Laid on the table.

On motion of Mr. Wurts and Mr. Robertson, the Senate considered and concurred in the amendments by the House of Representatives, to bill No. 77, entitled "An act to authorize and empower Dorothea Smith, administratrix, of Jacob Smith, deceased, to convey certain real estate."

On motion of Mr. Duncan and Mr. Markley,

*Resolved*, That the Senate concur in the resolution from the House of Representatives, authorizing the joint library committee, to take charge of such books as may be found in either house which they may deem necessary.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

The bill, No. 250, from the House of Representatives, entitled "An act supplementary to an act entitled 'An act for the improvement of the state,'" was read a second time.

Sections one and two were severally considered and agreed to.

Section three being under consideration,

A motion was made by Mr. W. R. Smith and Mr. Henderson, to postpone the same for the purpose of introducing the following:

"SECTION 3. *And be it further enacted, &c.* That the State Treasurer be, and he is hereby directed to with-hold the payment

of all or any part of the sum or sums of money appropriated by law, for the subscription of the state to the Lewistown and Huntingdon Turnpike Road Company, until it shall have been legally decided or by law directed, to whom the said appropriation shall be paid."

Whereupon;

The yeas and nays were required by Mr. W. R. Smith and Mr. Mann, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Henderson,  
Robertson,

**YEAS.**

Messrs. W. R. Smith,  
Wurts.—5.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dewart,  
Eichelberger,  
Groves,  
Herrington,  
Hill,  
Mann,

**NAYS.**

Messrs. Markley,  
M' Meens,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—17.

So it was determined in the negative.

On the question,

Will the Senate agree to the third section?

The yeas and nays were required by Mr. W. R. Smith and Mr. Dewart, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eichelberger,  
Eyster,  
Groves,  
Herrington,  
Hill,

**YEAS.**

Messrs. Mann,  
Markley,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair.—15.

**NAYS.**

Messrs. Cadwallader,  
Dewart,  
Duncan,  
Henderson,  
M' Meens,

**NAYS.**

Messrs. Robertson,  
W. R. Smith,  
Wurts,  
Marks, speaker.—8.

So it was determined in the affirmative.

The preamble and title were severally considered and agreed to.

On the question,

Shall the bill be prepared for a third reading?

A motion was made by Mr. W. R. Smith and Mr. Dewart, that the question, together with the bill, be postponed for the present?

Whereupon,

The yeas and nays were required, by Mr. W. R. Smith and Mr. Dewart, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Henderson, 9

**YEAS.**

Messrs. Herrington,  
Robertson,  
W R. Smith,  
Wurts.—9.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eichelberger,  
Eyster,  
Groves,  
Hill,  
Mann,

**NAYS.**

Messrs. Markley,  
M'Meens,  
Orr,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Marks, speaker.—16.

So it was determined in the negative.

The question recurring, shall the bill be prepared for a third reading?

It was determined in the affirmative.

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 245, from the House of Representatives, entitled "An act to authorize the Governor to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford Turnpike Road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne," was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

The bill, No. 263, from the House of Representatives, entitled "An act to remove the obstructions at the entrance of the harbor of Presque Isle," was read a second time.

Section one was considered and agreed to.

Section two being under consideration.

A motion was made by Mr. R. Smith and Mr. M'Meens, to amend the same in the fifth line, by striking out "before" and inserting

in lieu "at any time after;" in the sixth and sixteenth lines, make "May" read "October;"

Which was agreed to.

A motion was then made by Mr. Dewart and Mr. Power, to amend the section in the second line, by making "ten" read "six" and in the eighth and ninth lines, make "five" read "three;"

Which was not agreed to.

A motion was made by Mr. Smith and Mr. Power, to amend the section in the second line, by making "ten" read "eight," and in the eighth and ninth lines, make "five" read "four;"

Mr. Groves called for a division of the question, to end with striking out. And,

On the question,

Will the Senate agree to strike out?

It was determined in the negative.

On the question,

Will the Senate agree to the section?

The yeas and nays were required, by Mr. R. Smith and Mr. Allhouse, and are as follow, to wit:

#### YEAS.

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Groves,  
Henderson,  
Herrington,  
Hill,

Messrs. M'Veens,  
Orr,  
Robertson,  
Shulze,  
W. R. Smith,  
St. Clair,  
Wurts,  
Marks, speaker.—17.

#### NAYS.

Messrs. Allhouse,  
Eichelberger,  
Eyster,  
Mann,

#### NAYS.

Messrs. Power,  
R. Smith,  
Winter.—7

So it was determined in the affirmative.

Sections three to five, inclusive, were severally considered and agreed to.

Section six was not agreed to.

The title was agreed to. And,

Ordered, that the bill be prepared for a third reading.

Adjourned until 3 o'clock, this afternoon,

#### SAME DAY—IN THE AFTERNOON.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Winter in the chair, on bill, No. 219, from the House of Representatives, entitled "An act to improve the navigation of the Susquehanna river."

And after some time, the committee rose, and reported the bill with amendments.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts, of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses in which they respectively originated, to wit:

"An act to enable the Governor to incorporate a company for making a canal and lock navigation, on the waters of the Susquehanna river, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire."

"An act for the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia."

"A supplement to an act, entitled "An act to incorporate the York County Manufacturing Company."

"A supplement to an act, entitled "An act appointing commissioners to open and construct a road in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township, passed the second day of April, one thousand eight hundred and twenty-one."

"An act to erect the town of West Middletown, in the county of Washington, into a borough."

"An act repealing the act entitled "An act to prevent fishing with nets, &c. in East Conococheague Creek, in Franklin county."

"An act vacating a part of the old state road leading from the borough of Washington, in Washington county, towards Wheeling, in Virginia."

"A supplement to the act, entitled "An act authorizing the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes."

JOSEPH HIESTER.

March 27, 1828.

Laid on the table.

He also returned the bill, No. 60, together with a message from the Governor.

A supplement to an act, entitled "An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of Saint Mary's Church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight."

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That an election for trustees of the Roman Catholic Society, wor-

shipping at the church of Saint Mary's, in the city of Philadelphia, shall be held on the first Monday in May, eighteen hundred and twenty-three, and on the first Monday in May, in each succeeding year, between the hours of eight A. M. and six P. M. at such place in the city of Philadelphia, as the board of trustees for the time being, shall direct; whereof public notice shall be given from the pulpit of St. Mary's church, on the morning of the Sunday, previous to the day of holding the election; and the election shall be conducted under such regulations as the said trustees for the time being, shall prescribe. The judges shall be appointed by the members of the congregation, qualified to vote for trustees, and who may be assembled at the hour for opening the election; which judges shall receive the votes at every such election, and shall previous to entering upon the discharge of such duty, be duly sworn or affirmed, before an alderman or justice of the peace, to conduct the election with fairness and impartiality.

AND WHEREAS, difficulties have occurred in the election of trustees, under the act to which this is a supplement, by reason of pew holders transferring to persons who are not actual members of the congregation, the right to seats, for the sole purpose of enabling them to vote at said election, contrary to the true intent and meaning of said act, for remedy whereof, and that the said elections may in future be held according to the spirit and intention of said act:

SECTION 2. *And be it further enacted by the authority aforesaid:* That every member of said congregation, of lawful age, actually holding a pew or part of a pew, according to the regulations of the congregation, and who have so held the same, for at least three months immediately preceding any election for trustees, the rent whereof shall not be in arrears more than six months, and whose names as holding a pew or part of a pew, are registered in the books of the corporation, shall be entitled to vote for trustees, if a male, in person, and if an unmarried female, by an agent duly constituted in writing, under hand and seal, and attested by two credible witnesses: *Provided, however,* That if the vote of any person shall be objected to, as not being an actual pew-holder, the judges of the election are hereby authorized and required to administer to every such person, an oath or affirmation, before being entitled to vote, that he or she is truly, actually, and *bona fide* the holder of a pew, or part of a pew, and that the same was not transferred or made over to enable such person to vote for trustees; and every person who shall be convicted of swearing or affirming falsely in the premises, shall be subject to all the pains and penalties of perjury.

SECTION 3 *And be it further enacted by the authority aforesaid:* That this act shall not be so construed, as to either admit any person to vote, or prevent any person from voting in the manner prescribed in the foregoing section, who now holds or who may hereafter hold any pew or part of a pew, erected in the said church of Saint Mary's, subsequent to the twentieth day of March one thousand eight hundred and twenty one. But the right



of such person or persons to vote as aforesaid, shall be judged of, and determined as if this act had never been passed.

SECTION 4. *And be it further enacted by the authority aforesaid:* That the business of the corporation shall be transacted by the trustees in office, at the time of passing this act, until the close of the first election herein directed to be held.

SECTION 5. *And be it further enacted by the authority aforesaid:* That in case of any vacancy in the board of trustees, by death, resignation or otherwise, it shall and may be lawful for the said board, to supply the vacancy, until the next annual election.

SECTION 6. *And be it further enacted by the authority aforesaid:* That the treasurer appointed by the board of trustees, shall give such security as may be satisfactory to them, for the faithful discharge of his duties.

SECTION 7. *And be it further enacted by the authority aforesaid:* That so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, Speaker  
of the House of Representatives.  
WM. MARKS, jr. Speaker of the Senate.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: On Saturday evening last, a bill was presented for my approbation, entitled "A supplement to the act. entitled "An act to incorporate the members of the religious society of the Roman Catholics, belonging to the congregation of St. Mary's Church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight," which has received all the deliberation in my power to bestow on it. As far as I have been able to examine the subject, and judge of the consequences likely to flow from the various provisions of the bill, viewed in connection with the relative situation of the parties to be affected by its operations, it appears to be one of no common importance, not only as respects constitutional principles, and chartered rights, but also as it concerns the interest, the peace and fellowship of a religious society, among whose members an unhappy dispute has existed for some time, and between whom a controversy arising out of this dispute is still pending before a judicial tribunal

When a charter or act of incorporation has been granted by the legislature, conferring certain powers, rights and privileges on the individuals composing the body so incorporated, it becomes the duty of those whom the constitution has invested with legislative functions, to pause and deliberate before any innovation be made which may either transcend constitutional limits, or even tend indirectly, to impair rights secured by a compact, created and established by the solemn sanction of law. These considerations acquire additional force from the circumstance, that it is proposed

to make an alteration in the charter of a religious community, incorporated so early as the year one thousand seven hundred and eighty-eight, without the full consent of the congregation, and at a time of great excitement produced by existing disputes, which embrace not only differences respecting the management of the temporal concerns of the society, but, operating in their consequences, to subvert or disturb fundamental articles of faith, in contravention of the pious intentions of the founders of the church. It is even doubtful, on considerations of expediency, whether any change, however unessential, should be made in a charter where parties are circumstanced like the present, until peace be restored to the society, and the disorders which now prevail cease to exist, unless the alteration be asked for by the society in a spirit of conciliation and brotherly love, or, at least, shall not be remonstrated against by a considerable portion of the members.

Without enlarging more in detail upon the several objections to the bill, I will only farther observe, that it appears to me to impair the charter, by changing the qualifications of voters, abridging the elective franchise, and exacting a compliance with conditions not contained in any of its provisions; that it is retrospective in its operations, so far as respects the first election proposed to be held in May next, and that it introduces a new principle by vesting the trustees with power to fill any vacancies in their board, without reference to the distinction between the two orders or classes of trustees as recognized in the charter.

It is always a source of very great regret to me, when any difference takes place between the executive and legislative branches of the government, in the discharge of their respective duties; but, entertaining the opinion which I do of the inviolable character of charters or private acts of incorporation, and believing that the present bill will change, in the several important points I have mentioned, the charter already granted by the Legislature to the Society of Roman Catholics, worshipping at St. Mary's Church, in Philadelphia, and increase, instead of allay, the unfortunate divisions which now subsist between the petitioners and remonstrants, I am unwilling to join in any legislative act, which may either violate the constitution, impair the rights of individuals, as granted them by the charter, or tend, in the smallest degree, to interfere with the liberty of worship and the rights of conscience, secured to the people of this country of every religious denomination, as well by the constitution of this state as by that of the United States.

As therefore I cannot approve of the bill, I have directed the Secretary of the Commonwealth to return it to the Senate, in which it originated, with these my objections.

JOSEPH HIESTER.

March 27, 1823.

And said message was read and laid on the table.

Whereupon,

In conformity with the twenty-second section of the first article of the constitution of this Commonwealth, the Senate pro-

ceeded to the reconsideration of the said bill, returned by the Governor, with his objections; When,

A motion was made by Mr. R. Smith and Mr. Shulze, that the further consideration of the same be postponed until to-morrow. And,

On the question,

Will the Senate agree so to postpone?

The yeas and nays were required, by Mr. Duncan and Mr. Wurts, and are as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Herrington,  
Mann,  
Markley,

### YEAS.

Messrs. M'Meens,  
Power,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—14

### NAYS.

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

### NAYS.

Messrs. Feger,  
Henderson,  
Hill,  
Robertson,  
W. R. Smith,  
Wurts.—13.

So it was determined in the affirmative.

On motion of Mr. Dewart and Mr. Conyngham, adjourned until half past seven o'clock, this evening.

## IN THE EVENING.

On motion of Mr. Dewart and Mr. Conyngham, the rule for going into committee of the whole, being in this case dispensed with, the bill No. 247, from the House of Representatives, entitled "An act for the relief of Rachael M'Coy, widow of Neal M'Coy, an old soldier," was read a second time.

The first and only section, being under consideration,

A motion was made by Mr. Mann and Mr. R. Smith, to amend the same, in the sixth line, by making "two hundred" read "one hundred;"

Which was not agreed to.

A motion was then made by Mr. R. Smith and Mr. Feger, to amend the section by making "two hundred" in the sixth line, read "one hundred and twenty;"

Which was not agreed to.

On the question,

Will the Senate agree to the section?

The yeas and nays were required by Mr. Dickerson and Mr. M'Meena, and are as follow, to wit:

*YEAS.*

Messrs. Conyngham,  
Dewart,  
Duncan,  
Groves,  
Henderson,  
Herrington,  
Markley,

*NAYS.*

Messrs. Allshouse,  
Dickerson,  
Eyster,  
Feger,

*YEAS.*

Messrs. M'Meena,  
Power,  
Robertson,  
Shulze,  
W. R. Smith,  
Winter,  
Wurts.—14.

*NAYS.*

Messrs. Mann,  
R. Smith,  
Marks, speaker.—7.

So it was determined in the affirmative.

The preamble was considered and disagreed to.

The title was agreed to. And,

*Ordered*, That the bill be prepared for a third reading.

On motion of Mr. Dickerson and Mr. Conyngham, the rule for going into committee of the whole being in this case dispensed with, the bill No. 237, from the House of Representatives, entitled "A supplement to the act entitled "An act to improve the navigation of the river Monongahela," was read a second time.

Sections one to three were agreed to.

Section four being under consideration,

A motion was made by Mr. R. Smith and Mr. Hill, to amend the same, in the second line, after the word "dollars," by inserting these words: "out of the sum already appropriated;"

Which was agreed to.

The section was then agreed to.

Sections five to seven, inclusive, were agreed to.

The title was agreed to. And,

*Ordered*, That it be prepared for a third reading

On motion of Mr. Conyngham and Mr. Shulze, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 260, from the House of Representatives, entitled "An act for the relief of Catharine Cadwallader, widow of John Cadwallader, deceased," was read a second time.

The section, preamble and title, were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

Adjourned until nine o'clock, to-morrow morning.

**Friday, March 28, 1823.**

Mr. Shulze presented a petition from sundry contractors on the Harrisburg and Millerstown turnpike road, stating that they have not been paid for their labor, and praying the Legislature to grant them relief.

Which was read and laid on the table.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report :

That in conjunction with a similar committee from the House of Representatives, they have compared and on yesterday presented to the Governor for his approbation, the bills entitled as follow, to wit :

"A supplement to an act entitled "An act establishing an academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes."

"An act to authorize the sale of the interest of minor children in certain real estate."

"A supplement to the act entitled "An act to compel assignees to settle their accounts, and for other purposes."

"An act to authorize the settlement of certain accounts between the government of the United States, and this Commonwealth."

"An act to authorize the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate."

"An act to erect the town of Meadville, and its vicinity, in the county of Crawford, into a borough, and for other purposes."

"An act to extend the charter of the Philadelphia Bank."

"An act to authorize and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate."

Laid on the table.

Mr. Markley, from the committee to confer with a committee from the House of Representatives, on the subject of the amendments by the House of Representatives to the bill, in Senate, entitled "An act supplementary to an act entitled "A supplement to an act entitled "An act, erecting part of Cumberland county into a separate county, to be called Perry;" made report :

That they have agreed to recommend for adoption, the nonconcurrency of Senate, to the amendments made by the House of Representatives, of the names of Philp Good, of Berks county, and James M. Linnard, of the city of Philadelphia, as commissioners; and to substitute in the place of David M'Vicken, of Lycoming county, the name of Cromwell Pearce, of Chester county; and the adherence of Senate, to the name of Dr. Phineas Jenks, of Bucks county, as a commissioner.

On motion,

Said report was twice read, considered and adopted. And,

Ordered, That the Clerk inform the House of Representatives accordingly.

And the bill, No. 263, from the House of Representatives, entitled "An act to remove the obstructions at the entrance of the harbor of Presque Isle;"

Was read a third time.

When a motion was made, by Mr. R. Smith and Mr. Feger, that Senate again resolve itself into a committee of the whole, on said bill, for the purpose of making "*ten thousand*," in the first section, read "*six*," and amendments to correspond throughout the bill.

Which was not agreed to.

On the question,

Shall the bill pass?

The yeas and nays were required, by Mr. R. Smith and Mr. Power, and are as follow, to wit:

*YEAS.*

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Groves,  
Henderson,  
Herrington,

*YEAS.*

Messrs. Hill,  
Markley,  
M<sup>r</sup> Meens,  
Orr,  
Robertson,  
Shulze,  
W. R. Smith  
St. Clair,  
Wurts.  
Marks, speaker—20.

*NAYS.*

Messrs. Allshouse,  
Dickerson,  
Eyster,  
Feger,

*NAYS.*

Messrs. Mann,  
Power,  
R. Smith,  
Winter.—8.

So it was determined in the affirmative.

The bill, No. 250, from the House of Representatives, entitled "An act supplementary to an act, entitled "An act for the improvement of the state;

Was read a third time. And,

On the question,

Shall the bill pass?

The yeas and nays were required by Mr. W. R. Smith and Mr. Dewart, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eichelberger,  
Groves,  
Herrington,  
Hill,

*YEAS.*

Messrs. Mann,  
Markley,  
M<sup>r</sup> Meens,  
Shulze,  
R. Smith,  
St. Clair,  
Winter.—14.

**NAYS**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eyster,  
Feger,

**NAYS.**

Messrs. Henderson,  
Robertson,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

So it was determined in the affirmative.

The bill, No. 237, from the House of Representatives, entitled "A supplement to the act, entitled "An act to improve the Navigation of the river Monongahela."

The bill, No 247, from the House of Representatives, entitled "An act for the relief of Rachael M'Coy, widow of Neal M'Coy, an old soldier."

The bill, No. 245, from the House of Representatives, entitled "An act to authorize the Governor to incorporate a company, to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

Were severally read a third time and passed.

The bill, No. 125, from the House of Representatives, entitled "An act authorizing the erection of slopes in the Loyalhanna and Yellow Breeches creeks," was read a third time

Whereupon,

A motion was made, by Mr. Allshouse and Mr. R. Smith, that Senate again resolve itself into a committee of the whole, on said bill, for the purpose of amendment;

Which was not agreed to.

On the question,

Shall the bill pass?

The yeas and nays were required, by Mr. R. Smith and Mr. Groves, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Cadwallader,  
Conyngham,  
Duncan,  
Eichelberger,  
Eyster,  
Groves,  
Herrington,

**YEAS.**

Messrs. Hill,  
Orr,  
Power,  
Robertson,  
W. R. Smith,  
St. Clair,  
Winter,  
Wurts.—16.

*YAYS:*

Messrs. Barnard,  
Dewart,  
Dickerson,  
Feger,  
Henderson,  
Mann,

*NAYS:*

Messrs. Markley,  
M'Meens,  
Shulze,  
R. Smith,  
Marks, speaker—11.

So it was determined in the affirmative.

The bill, No. 260, from the House of Representatives, entitled "An act for the relief of Catharine Cadwallader, widow of John Cadwallader, deceased."

And the bill, No. 29, from the House of Representatives, entitled "An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier."

Were severally read a third time and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the six first with and the two latter without amendment, in which the concurrence of that house is requested.

A motion was made by Mr. Barnard and Mr. M'Meens, and read as follows, to wit:

*Whereas*, the objections returned by the Governor, to the bill entitled "A supplement to an act, entitled 'An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's Church, in the city of Philadelphia, passed thirteenth day of September, one thousand eight and eighty-eight,'" may create the *erroneous* impression, that the two branches of the Legislature have interfered with the religious rights of the Roman Catholics of that church, and violated their chartered privileges, by the passage of said bill, and as the public may be deceived and misled thereby, in order, therefore, to afford the Roman Catholics, and other citizens of this commonwealth, a fair opportunity to judge for themselves, of the provisions of the bill, and to examine it in connection with the Governor's objections thereto,

*Be it resolved*, That the said bill be inserted at full length on the journals of the Senate, immediately before the entry of said objections.

On motion, said preamble and resolution was read a second time; and,

The same being under consideration,

A motion was made by Mr. Eichelberger and Mr. Herrington, to amend the same by striking therefrom the preamble;

Whereupon,

The yeas and nays were required by Mr. W. R. Smith and Mr. Eichelberger, and are as follow, to wit:



*YEAS.*

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Feger,

*NAYS.*

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dickerson,  
Groves,  
Hill,  
Mann,  
Markley,

*YEAS.*

Messrs. Henderson,  
Herrington,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—12.

*NAYS.*

Messrs. M'Meens,  
Orr,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, Speaker.—15.

So it was determined in the negative.

On the question,

Will the Senate agree to said preamble and resolution?

The yeas and nays were required by Mr. Duncan and Mr. Groves, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Herrington,  
Hill,  
Mann,  
Markley,

*YEAS.*

Messrs. M'Meens,  
Orr,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—15}

*NAYS.*

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Feger,

*NAYS.*

Messrs. Henderson,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—11.

So it was determined in the affirmative.

On motion of Mr. Wurts and Mr. Groves, the Senate resumed the reconsideration of the bill, No. 60, entitled "A supplement to the act entitled "An act to incorporate the members of the religious society of the Roman Catholics, belonging to the congregation of St. Mary's Church, in the city of Philadelphia, passed the

thirteenth day of September, one thousand seven hundred and eighty eight;" returned by the Governor, with his objections.

And the question being put,

Shall this bill pass?

The yeas and nays were taken, agreeably to the directions of the twenty-second section of the first article of the constitution, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Hill,  
Mann,  
Markley,

**YEAS.**

Messrs. M' Meens,  
Shulze,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—13.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**NAYS.**

Messrs. Henderson,  
Herrington,  
Orr,  
Power,  
Robertson,  
W. R. Smith,  
Wurts—14.

So it was determined in the negative.

The bill, No. 219, from the House of Representatives, entitled "An act to improve the navigation of the Susquehanna river," was read a second time.

Section one being under consideration,

A motion was made, by Mr. M' Meens and Mr. Conyngham, to amend the same, by striking out of the third, fourth and fifth lines, these words: "*ten thousand dollars thereof to be laid out and expended for that purpose, between the towns of Northumberland and Columbia, and the residue;*"

Whereupon,

The yeas and nays were required, by Mr. Dewart and Mr. St. Clair, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Eichelberger,  
Eyster,

**YEAS.**

Messrs. Henderson,  
M' Meens,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—14.

*NAVS.*

Messrs. Allshouse,  
Dewart,  
Groves,  
Herrington,  
Mann,

*NAVS.*

Messrs. Orr,  
Shulze,  
R. Smith,  
St. Clair.—9.

So it was determined in the affirmative..

Sections two to four, inclusive, were severally considered and agreed to

Section five being under consideration,

A motion was made, by Mr. Mann and Mr. R. Smith, to amend the same, by adding to the end thereof the following;

*"And provided further,* That the unexpended balance, appropriated by the sixth section of the act entitled "An act for the improvement of the state, passed the twenty-sixth day of March, one thousand eight hundred and twenty-one," to improve the Susquehanna river, between the town of Northumberland and the line between Pennsylvania and Maryland, shall be deemed and taken as a part of the aforesaid sum of fifty thousand dollars;"

Which was not agreed to.

Section six being under consideration,

A motion was made, by Mr. Eichelberger and Mr. Eyster, to postpone the same, for the purpose of introducing a new section, to be called section six, as follows:

*"SECTION 6. And be it enacted, &c.* That three thousand dollars of the sum appropriated in the first section of this act, be and the same is hereby appropriated for the purpose of improving the navigation of the Susquehanna river, from Vinegar's Ripples to the main channel at or near Turkey Hill Falls, along the shore of York county;"

Which was agreed to.

And the section was then agreed to.

Section six, now seven, recurring, was agreed to.

Section eight and nine were considered and agreed to.

The title being under consideration,

A motion was made, by Mr. Mann and Mr. Barnard, to postpone the same, for the purpose of introducing the following section:

*SECTION 10. Be it enacted, &c.* That the sum of three thousand dollars be and the same is hereby appropriated, for the purpose of improving the Raystown Branch of the Juniata river, to be laid out and expended for that purpose, between the borough of Bedford and the line between the counties of Bedford and Huntingdon, under the direction and superintendence of Michael Ritcl ey, Lewis Keith and Abraham Martin, of Bedford county, who are hereby appointed commissioners, for that purpose; and as soon as the state of the river will admit, the said commissioners shall proceed to improve the navigation by removing rocks, timber and bars, from the bed of said river, and deepening the channel thereof, where the same may be practicable and necessary, and a majority of said commissioners are hereby authorized to make contracts for

the purpose of making said improvements, and to take such other measures to lay out said appropriation in an economical manner, best calculated to attain the object of said appropriation. *Provided*, That the said commissioners, or either of them, shall not directly or indirectly, be interested in their private capacities, in any contract made by virtue of this act. *And provided*, That the sum to be drawn annually by said commissioners, shall not exceed one thousand dollars. *And provided further*, That all the provisions of the third, fourth and seventh sections of this act, be, and they are hereby extended to the commissioners named in this section; and said commissioners shall be allowed each two dollars per day, for each and every day necessarily spent by them, in discharge of the duties imposed by this act.

And on the question,

Will the Senate agree so to postpone?

The yeas and nays were required, by Mr. Mann and Mr. R. Smith, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Groves,  
Mann,

**FEAS.**

Messrs. Power,  
R. Smith,  
Marks, speaker.—6.

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,  
Feger,

**NAYS.**

Messrs. Henderson,  
Herrington,  
M'Meens,  
Orr,  
Robertson,  
Shulze,  
W. R. Smith,  
Winter,  
Wurts.—18.

So it was determined in the negative.

The title was then agreed to. And,

On the question,

Shall the bill be prepared for a third reading?

The yeas and nays were required, by Mr. Conyngham and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Feger,

**FEAS.**

Messrs. Groves,  
Henderson,  
Herrington,  
M'Meens,  
Orr,  
Robertson,  
W. R. Smith,  
Wurts.—16.

*NAYS.*

Messrs. Allshouse,  
Mann,  
Power,

*NAYS.*

Messrs. R. Smith,  
Winter,  
Marks, speaker.—6.

So it was determined in the affirmative.

Adjourned until three o'clock, this afternoon.

*SAME DAY—IN THE AFTERNOON.*

On motion of Mr. Hill and Mr. Conyngham, the Senate proceeded to the consideration of the amendments by the House of Representatives, to bill, No. 110, entitled "A supplement to an act entitled "An act directing the formation of a map of Pennsylvania," passed nineteenth March, one thousand eight hundred and sixteen."

And the same being under consideration,

A motion was made by Mr. Hill and Mr. Orr, to amend the first amendment, by inserting after the name of "John Conrad," the name of "James Finlayson;"

Which was not agreed to.

On motion of Mr. R. Smith and Mr. Coleman, the first amendments were then nonconcurrent in, and the second concurred in.

*Ordered,* That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Dickerson and Mr. Power, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 183, entitled "An act to authorize the cleaning and repairing the public arms and military property of this commonwealth."

On motion of Mr. Wurts and Mr. Markley, the Senate considered and nonconcurred in the amendments, by the House of Representatives, to bill, No. 253, entitled "An act relative to mortgages."

On motion of Mr. Coleman and Mr. Hill, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 156, entitled "An act for the relief of Ann Maria Hubley, widow of an officer of the revolutionary war."

On motion of Mr. W. R. Smith and Mr. Dickerson, the Senate considered and concurred in the first, and nonconcurred in the other amendments by the House of Representatives, to bill, No. 49, entitled "An act to authorize John Johnson, the administrator of the Reverend James Johnson, to convey a certain piece of ground."

*Ordered,* That the Clerk inform the House of Representatives accordingly.

A motion was made, by Mr. Barnard and Mr. Power, that Senate resume the second reading and consideration of bill, No. 27, from the House of Representatives, entitled "An act for the relief of John Gregory, a soldier of the revolutionary war."

Whereupon,  
The yeas and nays were required, by Mr. Barnard and Dickerson, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Conyngham,  
Eichelberger,  
Eyster,  
Groves,

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Dewart,  
Dickerson,  
Hewington,  
Munn,

**YEAS.**

Messrs. Hill,  
M'Meens,  
Power,  
St. Clair,  
Winter.—10.

**NAYS.**

Messrs. Orr,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—12.

So it was determined in the negative.

The bill, No. 87, from the House of Representatives, entitled "An act to authorize the executors of the last will of Robert Lemon, deceased, to sell certain real estate of the testator," was read a second time.

The section and title were severally considered and agreed to. And,

*Ordered*, that it be prepared for a third reading.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed an act of the General Assembly, entitled "An act to extend the charter of the Philadelphia Bank," and directed the Secretary of the Commonwealth to return it to the House of Representatives, in which it originated.

JOSEPH HIESTER.

March 28, 1823.

Laid on the table.

On motion of Mr. Wurts and Mr. Groves, the committee of the whole was discharged, and the bill, No. 116, from the House of Representatives, entitled "An act for the relief of John Blake and Joseph Dearman," was read a second time.

The sections were considered and disagreed to.

On motion of Mr. Dewart and Mr. St. Clair, the committee of the whole was discharged, and the bill, No. 118, from the House of Representatives, entitled "An act erecting Connelsville township,

in Fayette county, into a separate election district, and for other purposes," was read a second time.

Sections one and two were not agreed to.

Sections three and four, now one and two, were considered and agreed to.

The title was agreed to, after being amended to read as follows, to wit: "An act repealing the third section of an act entitled "An act authorizing the election of additional constables, in different townships, within this commonwealth."

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. St. Clair and Mr. Dewart, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 119, from the House of Representatives, entitled "An act to authorize the laying out of a state road from William Steen's tavern, on the turnpike road leading from Bedford to Washington to Connelssville," was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, That it be prepared for a third reading.

On motion of Mr. Barnard and Mr. Markley, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 121, from the House of Representatives, entitled "An act for the relief of John Ford," was read a second time.

The section and title were severally considered and agreed to.

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. Eichelberger and Mr. Wurts, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 188, from the House of Representatives, entitled "An act to authorize certain executors to sell real estate," was read a second time.

Section one, was considered and disagreed to.

Section two, now one was agreed to.

The title was agreed to, after being amended to read as follows, to wit: "An act to authorize Catharine Ilginritz, executrix of the last will and testament of Martin Ilginritz, to sell certain real estate."

*Ordered*, That it be prepared for a third reading.

The Clerk of the House of Representatives being introduced, returned the bills entitled as follow, to wit:

"An act for the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war.

"A further supplement to the act entitled "An act directing the descent of intestates' real estates and distribution of their personal estates, and for other purposes therein mentioned."

"An act to incorporate a company to erect a rail road from Harrisburg to Pittsburg."

"An act authorizing a review of certain state roads.

"An act authorizing the State Treasurer to pay to Joseph Barnet, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money.

\*A Supplement to an act entitled "An act, directing the formation of a map of Pennsylvania, passed the nineteenth March, one thousand eight hundred and sixteen"

"An act to authorize the cleaning and repairing the public arms and military property of this Commonwealth."

"An act relative to mortgages.

"An act for the relief of Ann Maria Hubley, widow of an officer of the revolutionary war."

And informed that they have passed the first without, and the eight latter with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

He further informed, that the House of Representatives have concurred in the amendments by the Senate, to the bills entitled as follow, to wit:

"An act authorizing a review of part of the state road, leading from the borough of Bedford, through the borough of Indiana, to the town of Franklin."

"An act authorizing a review of part of the state road from Carlisle, through Roxbury to the Burnt Cabins, and a part of the state road from Berrysburg to Reading."

"An act for the relief of Rachel M'Coy, widow of Neal M'Coy, an old soldier.

"An act authorizing the erection of slopes in the Loyalhanna, and Yellow Breeches creeks.

"An act to remove the obstructions at the entrance of the harbor of Presque Isle.

"A supplement to the act entitled "An act to improve the navigation of the river Monongahela."

"An act supplementary to act entitled "An act for the improvement of the state.

"An act to authorize the Governor to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne.

He also presented two extracts from the journal of that house which were read as follow, to wit:

*"In the House of Representatives, March 28, 1823.*

"On motion,

"The resolutions reported by the joint committee, appointed to take charge of the public buildings, were read the second time, considered and adopted." And,

*Ordered* That the Clerk inform the Senate of the same.

*"In the House of Representatives, March 28, 1823.*

"On motion,

"The report of the committee of conference, appointed upon the subject of amendments to the act entitled "An act supplementary to an act entitled "A supplement to an act entitled "An act,



erecting part of Cumberland county into a separate county, to be called Perry."

"Was read the second time, considered and adopted. And,  
*Ordered* That the Clerk inform the Senate of the same."

Laid on the table.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Cadwallader in the chair, on bill No. 195, from the House of Representatives, entitled "A supplement to the act entitled "An act for the relief of certain owners of real estate, in the district of Southwark, in the county of Philadelphia"

And after some time, the committee rose, and reported the bill negatived.

On the question,

Will the Senate agree to the report?

It was determined in the negative.

On motion of Mr. Coleman and Mr. Henderson, the rule for going into a committee of the whole being in this case dispensed with,

The bill, No. 197, from the House of Representatives, entitled "An act for the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased;" was read a second time.

The section, preamble and title, were severally considered and agreed to.

On motion,

The rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time, and passed.

*Ordered* That the Clerk return the same to the House of Representatives, with information that the Senate have passed the bill without amendment.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Coleman in the chair, on bill, No 196, from the House of Representatives, entitled "An act authorizing compensation for damages done by state roads."

And after some time the committee rose, and reported the bill without amendment.

On motion of Mr. Conyngham and Mr. Markley, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered* That it be prepared for a third reading.

Agreeably to order,

The Senate proceeded to the consideration of bill, No. 225, from the House of Representatives, entitled "An act for the relief of the German congregation in Moore township, Northampton county."

And the question recurring;

Will the Senate agree to the report of the committee of the whole, postponed on the nineteenth instant?

The yeas and nays were required, by Mr. M'Meens and Mr. R. Smith, and are as follow, to wit.

**YEAS.**

Messrs. Barnard,  
Cadwallader,  
Dewart,  
Mann,

**YEAS**

Messrs. M'Meens,  
R. Smith,  
W. R. Smith,  
Marks, speaker—8.

**NAYS.**

Messrs. Allshouse,  
Coleman,  
Conyngham,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Herrington,

**NAYS.**

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
Shulze,  
St. Clair,  
Winter,  
Wurts.—16.

So it was determined in the negative. And,  
Said bill was read a second time.

The sections were agreed to; the title was agreed to, after adding to the end thereof, "*and for other purposes,*"

And on the question,

Shall the bill be prepared for a third reading?

The yeas and nays were required, by Mr. St. Clair and Mr. Markley, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eyster,  
Feger,  
Groves,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Shulze,  
St. Clair,  
Winter.—12.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dewart,  
Duncan,  
Eichelberger,  
Herrington,

**NAYS.**

Messrs. Mann,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—12.

So it was determined in the negative.

On motion of Mr. Dewart and Mr. M'Meens, the senate adjourned to meet at half past seven o'clock, this evening.

## IN THE EVENING.

The Clerk of the House of Representatives being introduced, returned the bills entitled,

"An act allowing compensation to Charles Widney, James Addams, and John Harman, for their services, as commissioners for completing certain public roads."

"An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county."

"An act authorizing the Governor to incorporate the Columbia Water Company."

"A further supplement to the act, entitled "An act to incorporate the city of Lancaster."

"An act to repeal an act, entitled "An act to incorporate the Old Columbia Water Company."

"An act to authorize the Governor to incorporate the president, managers and company of the Ararat Turnpike Road."

And informed that the House of Representatives, have passed the five first without, and the latter with an amendment, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

On motion of Mr. Conyngham and Mr. M'Meens, the Senate considered and nonconcurred in the amendments by the House of Representatives, to bill, No. 100, entitled "An act to authorize the Governor to incorporate the president, managers and company of the Ararat Turnpike Road."

On motion of Mr. Wurts and Mr. Conyngham, the Senate considered and nonconcurred in the amendments by the House of Representatives, to bill, No. 104, entitled "A supplement to an act entitled "An act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink Creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes."

On motion of Mr. Shulze and Mr. Conyngham, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 73, entitled "An act authorizing the state treasurer to pay to Joseph Barnett, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

The Clerk of the House of Representatives being introduced, returned the bills entitled,

"An act to authorize John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned."

"A further supplement to the act, entitled "An act to authorize the Governor, to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road."

"An act reducing the number of managers of the turnpike companies between Pittsburg and Meadville, and for other purposes."

"A supplement to the act, entitled "An act establishing an academy in the borough of Lebanon, in the county of Lebanon."

"A further supplement to an act, entitled "An act to declare and regulate escheats."

"A supplement to an act, entitled "An act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes."

"An act for the relief of sundry soldiers of the revolutionary war."

And informed that the House of Representatives have passed the first five without, and the two latter with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Eyster in the chair, on bill, No. 305, from the House of Representatives, entitled "An act establishing and altering certain election districts,"

And after some time the committee rose and reported the bill with amendments.

On motion of Mr. Coleman and Mr. Henderson, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 244, from the House of Representatives, entitled "An act to incorporate the Columbia, Chiques and Marietta Road and Bridge Company."

The sections and title were severally considered and agreed to. And,

*Ordered*, That said bill be prepared for a third reading.

On motion of Mr. W. R. Smith and Mr. Coleman, the Senate reconsidered the vote on preparing bill No. 225, from the House of Representatives, entitled "An act for the relief of the German congregation, in Moore township, Northampton county, and for other purposes."

The question recurring,

Shall the bill be prepared for a third reading?

A motion was made, by Mr. Winter and Mr. W. R. Smith, that the question together with the bill, be postponed for the present;

Which was agreed to.

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Hill in the chair, on bill, No. 246, from the House of Representatives, entitled "An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia."

And after some time the committee rose and reported the bill without amendment.

Adjourned until nine o'clock, to-morrow morning.

**Saturday, March 29, 1823.**

Mr. Dewart and Mr. Mann obtained leave of absence, from Monday next to the end of the session.

Mr. Groves obtained leave to withdraw from the files of the present session, the petitions and documents of John Blake and Joseph Dearman.

Mr. Mann obtained leave to withdraw from the files of the present session, the documents of Rebecca Seltzer.

The committee of accounts report, that they have examined the account of John Wyeth, printer of the bills of the Senate, as exhibited to them, and find that there is due to him, for printing and stitching bills, during the present session, and other printing done prior to this session, this sum of five hundred and eighty-two dollars.

Therefore,

*Resolved*, That the speaker draw his warrant on the State Treasurer, in favor of John Wyeth, printer of the Senate bills, for the sum of five hundred and eighty-two dollars, in full for said services to the close of the present session.

On motion of Mr. Eyster and Mr. Eichelberger, said resolution was read a second time, and adopted.

And a warrant was accordingly so drawn.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared and on yesterday presented to the Governor for his approbation, the bills entitled as follow, to wit:

"An act authorizing a review of part of the state road from Carlisle, through Roxbury to the Burnt ( abins, and a part of the state road from Berrysburg to Reading."

"An act suspending the opening of part of the state road, leading from the borough of Bedford, through the borough of Indiana to the town of Franklin, and for other purposes."

"An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier."

"An act for the relief of Catharine Cadwallader, widow of John Cadwallader, deceased."

"An act for the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war."

"An act to remove obstructions at the entrance of the harbor of Presque Isle."

"An act for the relief of Rachel M'Coy, widow of Neal M'Coy, an old soldier."

"An act to authorize the Governor to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river,

in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

"An act supplementary to an act entitled "An act for the improvement of the state."

"A supplement to the act entitled "An act to improve the navigation of the river Monongahela."

"An act to authorize the cleaning and repairing the public arms and military property of this Commonwealth, and for other purposes."

"An act to authorize John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned."

"A further supplement to the act, entitled "An act to authorize the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road."

"An act reducing the number of managers of the turnpike companies between Pittsburg and Meadville, and for other purposes."

"A supplement to the act entitled "An act establishing an academy in the borough of Lebanon, in the county of Lebanon."

"A further supplement to an act entitled "An act to declare and regulate escheats."

"An act for the relief of Ann Maria Hubley and Rebecca Bower, widows of revolutionary officers."

And also five other bills, compared and presented this day, entitled,

"An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county."

"An act to repeal an act, entitled "An act to incorporate the Old Columbia Water Company"

"An act authorizing the Governor to incorporate the Columbia Water Company."

"A further supplement to the act, entitled "An act to incorporate the city of Lancaster."

"An act allowing compensation to Charles Widney, James Addams, and John Harman, for their services, as commissioners for completing certain public roads."

Laid on the table.

The bill, No. 87 from the House of Representatives, entitled "An act to authorize the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator."

The bill, No. 119, from the House of Representatives, entitled "An act to authorize the laying out of a state road, from William Steen's tavern, on the turnpike road, leading from Bedford to Washington to Conneville."

The bill, No. 196, from the House of Representatives, entitled "An act authorizing compensation for damages done by state roads."

The bill, No. 244, from the House of Representatives, entitled "An act to incorporate the Columbia, Chiques and Marietta road and bridge company."

The bill, No. 121, from the House of Representatives, entitled "An act for the relief of John Ford ;"

Were severally read a third time, and passed.

The bill, No 219, from the House of Representatives, entitled "An act to improve the navigation of the Susquehanna river,"

Was read a third time. And,

On the question,

Shall the bill pass ?

The yeas and nays were required, by Mr. R. Smith and Mr. M' Meens, and are as follow, to wit :

### YEAS.

Messrs. Barnard,  
Cadwallader,  
Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Groves,

### YEAS.

Messrs. Henderson,  
Herrington,  
Hill,  
M' Meens,  
Robertson,  
W. R. Smith,  
St. Clair,  
Wurts.—16.

### NAYS.

Messrs. Allshouse,  
Mann,  
Power,

### NAYS.

Messrs. R. Smith,  
Winter,  
Marks, speaker.—6.

So it was determined in the affirmative.

The bill, No. 188, from the House of Representatives, entitled "An act to authorize certain executors to sell real estate,"

And the bill, No. 118, from the House of Representatives, entitled "An act erecting Connelssville townshp, in Fayette county, into a separate election district, and for other purposes,"

Were severally read a third time, and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, the five first without, and the four latter with amendments, in which the concurrence of that house is requested.

On motion of Mr. Eyster and Mr. Cadwallader, the following resolutions were twice read, considered and adopted, to wit :

*Resolved*, That the speaker draw his warrant on the State Treasurer, in favor of George R. Horter, transcribing Clerk of the Senate, for the sum of four hundred and fifty dollars, as a full compensation for the services he performed, during the present session.

*Resolved*, That the speaker draw his warrant on the State Treasurer, in favor of John Shott, additional assistant door keeper of the Senate, for the sum of seventy-two dollars, in full, for ninety-six days services, at the rate of seventy-five cents per day.

And warrants were accordingly so drawn.

On motion of Mr. Duncan and Mr. Markley, the resolution from the House of Representatives, relative to repairs in the State Library, was read a second time.

Section one was agreed to.

Section two being under consideration,

A motion was made by Mr. Duncan and Mr. Robertson, to amend the same, by adding to the end thereof, the following: "*and that the further sum of one hundred and fifty dollars is hereby appropriated for the purpose of binding and repairing such books in the State Library, as in the opinion of the library committee may require the same; which said sum shall be paid on warrants drawn by the chairman of the joint library committee, and countersigned by the Speaker of the House of Representatives.*"

Whereupon,

A motion was made, by Mr. R. Smith and Mr. Allahouse, to amend the amendment, by striking out these words: "*that the further sum of one hundred and fifty dollars is hereby appropriated;*"

Which was not agreed to.

The amendment was then agreed to.

The section and resolution were then agreed to. And,

**Ordered,** That the Clerk return the resolution to the House of Representatives, with information that Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The bill, No. 195, from the House of Representatives, entitled "A supplement to the act entitled "An act for the relief of certain owners of real estate in the district of Southwark, in the county of Philadelphia,"

Was read a second time.

Section one being under consideration,

A motion was made, by Mr. Groves and Mr. Conyngham, to amend the same, by striking out all that follows the enacting clause, and inserting the following, to wit:

"That the same provisions that are contained in the act entitled "A supplement to the act, entitled "An act for laying out and keeping in repair the public highways within this commonwealth, and for laying out private roads, passed the third day of April, one thousand eight hundred and four," so far as the same relates to assessing of damages, which the owner or owners of lands, house, houses or other property, may sustain in consequence of the same being taken and used as public highways, be and the same are hereby extended, and made applicable to the relief of the holders of property, in the district of Southwark, in the county of Philadelphia, in consequence of the damages that the owner or owners of lands, house or houses, or other property, shall have sustained or may sustain, by reason of the suspension of the opening of the streets laid out and recorded, by virtue of the act passed for that purpose, on the twenty-ninth day of September, one thousand seven hundred and eighty-seven, and the opening of which were suspended by an act of assembly, passed on the twen-



ty-third day of March, one thousand eight hundred and eighteen, entitled "An act further to suspend the opening of certain streets, lanes and alleys, in the district of Southwark."

Which was agreed to.

The section was then agreed to.

The second section and title were agreed to. And,

*Ordered*, That it be prepared for a third reading.

The Clerk of the House of Representatives, being introduced, informed that the House of Representatives, have concurred in the amendment by the Senate, to the amendment by the House of Representatives, to the bill, from the Senate entitled "A supplement to the act entitled "An act authorizing the incorporation of the Pittsburg and Steubenville, and Washington and Pittsburg Road Companies."

And that the House of Representatives recede from the amendments nonconcurred in by the Senate, to the bill entitled "An act relative to mortgages."

And that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled "An act establishing and altering certain election districts," excepting the fifty-ninth section, in which they have nonconcurred.

And that the House of Representatives, have appointed Messrs. Holgate, Purday and Painter, to confer with a similar committee, already appointed by the Senate, on the subject of the amendments to the bill entitled "A supplement to an act entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth day of March, one thousand eight hundred and sixteen."

And that the House of Representatives have appointed Messrs. Todd, Reynolds and Mitchell, a committee to confer with a similar committee from the Senate, if the Senate should appoint such committee upon the amendments to the bill entitled, "An act relative to the entry of writs of testatum fieri facias."

And that the House of Representatives have appointed Messrs. Sterigere, Stevenson and Ritner, a committee to confer with a similar committee from the Senate, if the Senate should appoint such committee, upon the amendments to the bill from the Senate, entitled "An act to authorize John Johnston, the administrator of the Reverend James Johnston, to convey a certain piece of ground."

And that the House of Representatives have concurred in the amendments by the Senate to the resolution relative to the erection of shelves in the State Library.

The Senate resumed the second reading and consideration of the bill, No. 225, from the House of Representatives, entitled "An act for the relief of the German congregation, in Moore township, Northampton county."

And the question recurring,

Shall the bill be prepared for a third reading?

A motion was made by Mr. Conyngham and Mr. Dickerson, that the Senate resolve itself into a committee of the whole,

Which was agreed to.

Whereupon,

The Senate resolved itself into a committee of the whole, Mr. Dickerson in the chair;

And after some time the committee rose and reported the bill with amendments.

Said amendments were read and agreed to.

And the question again recurring,

Shall the bill be prepared for a third reading?

The yeas and nays were required, by Mr. R. Smith and Mr. Conyngham, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Coleman,  
Conyngham,  
Duncan,  
Eichelberger,  
Eyster,  
Groves,

**YEAS.**

Messrs. Markley,  
Power,  
Robertson,  
St. Clair,  
Winter,  
Wurts.—15.

**NAYS.**

Messrs. Barnard,  
Cadwallader,  
Dewart,  
Dickerson,  
Feger,  
Herrington,

**NAYS.**

Messrs. Hill,  
Mann,  
M'Veens,  
R. Smith,  
W R. Smith,  
Marks, speaker.—12.

So it was determined in the affirmative. And,

*Ordered*, That said bill be prepared for a third reading.

The bill, No. 305, from the House of Representatives, entitled "An act establishing and altering certain election districts," was read a second time.

The sections and title were severally considered and agreed to.

On motion of Mr. Dewart and Mr. Coleman, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

The Clerk of the House of Representatives being introduced, returned the bills entitled,

"A further supplement to an act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

"A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common, in Bucks county."

"An act for the relief of Wilhelm Willink, Hendrick Vollenhagen and Rutger Jan Schimmelpennick."

"An act to authorize an extension of the Susquehanna and Tioga turnpike road."

"An act to cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected,"

"An act authorizing the Secretary of the Land Office to grant patents for lands to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth, and for other purposes.

"A supplement to the act entitled "An act for the improvement of the state,"

"An act relative to the entry of writs of testatum fieri facias."

And informed that the House of Representatives have passed the first five without, and the three latter with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

The Senate proceeded to the second reading and consideration of bill, No. 246, from the House of Representatives, entitled "An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia."

Whereupon,

A motion was made, by Mr. Dickerson and Mr. Eichelberger, that said bill be postponed and recommended to the early attention of the next legislature.

And on the question,

Will the Senate agree to the motion?

The yeas and nays were required, by Mr. Dickerson and Mr. Markley, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Eichelberger,  
Eyster,

**YEAS.**

Messrs. Henderson,  
Hill,  
Orr,  
R. Smith.—9.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,  
Herrington,  
Mann,

**NAYS.**

Messrs. Markley,  
M'Means,  
Power,  
Robertson,  
W. R. Smith,  
St. Clair,  
Winter,  
Wurts,  
Marks, speaker.—18.

So it was determined in the negative.

A motion was then made, by Mr. Coleman and Mr. St. Clair, that the Senate dispense with reading the bill, and that it be read by its title,

Whereupon,

The yeas and nays were required, by Mr. Markley and Mr. Mann and are as follow, to wit:

**YEAS.**

Messrs. Coleman,  
Conyngham,  
Dewart,  
Duncan,  
Groves,

**YEAS.**

Messrs. Herrington,  
Markley,  
Robertson,  
W. R. Smith,  
Wurts—10.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Dickerson,  
Eichelberger,  
Eyster,  
Feger,  
Henderson,

**NAYS.**

Messrs. Hill,  
Mann,  
Orr,  
Power,  
R. Smith,  
St. Clair,  
Winter,  
Marks, Speaker.—16.

So it was determined in the negative.

Section one being under consideration,

A motion was made by Mr. Hill and Mr. Eichelberger, to amend the same, in the sixth line, by adding after the word Liberties "*and the Monongahela Bank of Brownsville,*" and in the tenth line, strike out the words "*of the Northern Liberties,*" and make "*Bank*" read "*Banks;*"

And corresponding amendments throughout the section.

Whereupon,

The yeas and nays were required, by Mr. St. Clair and Mr. Hill, and are as follow, to wit:

**YEAS.**

Messrs. Eichelberger,  
Eyster,  
Hill,

**YEAS.**

Messrs. Orr,  
R. Smith,  
St. Clair.—6.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Conyngham,  
Duncan,  
Feger,  
Groves,  
Herrington,

**NAYS.**

Messrs. Maun,  
Markley,  
Power,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts.  
Marks, speaker.—10.

So it was determined in the negative.

A motion was made by Mr. Eichelberger and Mr. Eyster, to amend the section by inserting in the sixth line, "*the Fork Bank*" and amendments to correspond in the 10th, 18th, 29th, 40th, 42d and 43d lines;

Which was not agreed to.

On the question,

Will the Senate agree to the first section?

The yeas and nays were required, by Mr. Cadwallader and Mr. Markley, and are as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Dewart,  
Duncan,  
Groves,  
Herrington,  
Mann,

### YEAS.

Messrs. Markley,  
Power,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—15½

### NAYS.

Messrs. Cadwallader,  
Eichelberger,  
Eyster,  
Feger,

### NAYS.

Messrs. Hill,  
Orr,  
R. Smith,  
St. Clair.—8.

So it was determined in the affirmative.

The sections two to four, inclusive, were agreed to.

Articles one to ten, of section five, inclusive, were agreed to.

Article eleven, being under consideration,

A motion was made, by Mr. Mann and Mr. Dewart, to strike out the following, from the fifth to the word stockholder in the eleventh line, inclusive, "*and if the said debt shall remain unpaid for the space of sixty days, then and in such case the president and directors of the said bank, may after giving ten days notice thereof, to such stockholder or his agent, cause the share or shares of such stockholder, or so many thereof as they may deem necessary to be sold, and after applying the proceeds of sale, deducting expensers, to the payment of said debt, shall hold the surplus, if any, to the credit of said stockholder;*"

Whereupon,

The yeas and nays were required, by Mr. Mann and Mr. Conyngham, and are as follow, to wit:

### YEAS.

Messrs. Allshouse,  
Dewart,  
Eichelberger,  
Mann,

### YEAS.

Messrs. Power,  
R. Smith,  
Marks, speaker.—7½

**NAYS.**

Messrs. Cadwallader,  
Conyngham,  
Duncan,  
Groves,  
Herrington,  
Markley,

**NAYS.**

Messrs. Orr,  
Robertson,  
W. R. Smith,  
St. Clair,  
Winter,  
Wurts.—12.

So it was determined in the negative.

The article was then agreed to.

The articles twelve and thirteen, were then agreed to.

Article fourteen, being under consideration,

A motion was made, by Mr. Mann and Mr. R. Smith, to amend the same, by striking out of the sixth and seventh lines, these words: "*or purchased at sales upon judgments obtained for such debts;*"

Which was not agreed to.

The article was then agreed to.

Articles fifteen to twenty-six, of section five, inclusive, were agreed to.

Sections six to nine with the title, were then agreed to.

On motion,

Said bill was read a third time.

On the question,

Shall the bill pass?

The yeas and nays were required, by Mr. Cadwallader and Mr. Michelberger, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Conyngham,  
Dewart,  
Duncan,  
Feger,  
Groves,  
Henderson,  
Herrington,

**YEAS.**

Messrs. Markley,  
Power,  
Robertson,  
W. R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—15.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Eichelberger,  
Eyster,

**NAYS.**

Messrs. Orr,  
R. Smith,  
St. Clair—7.

So it was determined in the affirmative. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the bill without amendment.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives, adhere to the amendments nonconcurring in by the Senate, to the bills entitled as follow, to wit:

"An act to authorize John Johnston, the administrator of the Reverend James Johnston, to convey a certain piece of ground."

"An act relative to mortgages."

"A supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth March, one thousand eight hundred and sixteen."

And that the House of Representatives, recede from the amendments by the House of Representatives, to the bills from the Senate, entitled as follow, to wit:

"An act to authorize the Governor to incorporate the president, managers and company of the Arara' turnpike road."

"A supplement to an act, entitled "An act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes."

He further informed, that the House of Representatives have concurred in the amendments by the Senate, to the bills entitled as follow, to wit:

"An act to authorize certain executors to sell real estate."

"An act erecting Connelville township, in Fayette county, into a separate election district, and for other purposes."

"An act to improve the navigation of the Susquehanna river."

Agreeably to order,

The Senate resolved itself into a committee of the whole, Mr. Fichelberger in the chair, on bill, No. 248, from the House of Representatives, entitled, "An act authorizing the Governor to incorporate the president, managers and company of the Mount-Pleasant Free Road, in the county of Westmoreland."

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Conyngham and Mr. Allshouse, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

*Ordered*, that it be prepared for a third reading.

A motion was made, by Mr. Mann and Mr. Conyngham, that Senate consider and concur in the amendments by the House of Representatives, to bill, No. 72, entitled "An act to incorporate a company to erect a rail road from Harrisburg to Pittsburg."

Whereupon,

The yeas and nays were required, by Mr. Markley and Mr. Conyngham, and are as follow, to wit:

**YEAS.**

Messrs. Barnard,  
Conyngham,  
Dewart,  
Duncan,  
Eichelberger,  
Eyster,

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Feger,  
Henderson,  
Orr,

**YEAS.**

Messrs. Groves,  
Herrington,  
Mann,  
Markley,  
St. Clair.—11.

**NAYS.**

Messrs. Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.  
Marks, speaker—12.

So it was determined in the negative,

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, to wit:

"An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes.

"An act to authorize the sale of the interest of minor children in certain real estate."

"An act to authorize and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate."

"A supplement to the act entitled "An act to compel assignees to settle their accounts, and for other purposes."

"An act to authorize the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate."

"A supplement to the act entitled "An act establishing an academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes."

"An act to authorize the settlement of certain accounts between the government of the United States, and this Commonwealth."

"An act to repeal an act, entitled "An act to incorporate the old Columbia Water company."

"An act authorizing the Governor to incorporate the Columbia Water Company."

"A further supplement to the act, entitled "An act to incorporate the city of Lancaster."



"An act allowing compensation to Charles Widney, James Addams, and John Harman, for their services, as commissioners for completing certain public roads."

"An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county."

"A further supplement to the act, entitled "An act to authorize the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road."

"An act to authorize John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned."

"An act for the relief of Ann Maria Hubley and Rebecca Bower, widows of revolutionary officers."

"A further supplement to an act entitled "An act to declare and regulate escheats."

"A supplement to the act entitled "An act establishing an academy in the borough of Lebanon, in the county of Lebanon."

"An act for the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war."

"An act reducing the number of managers of the turnpike companies between Pittsburg and Meadville, and for other purposes."

"An act to authorize the cleaning and repairing the public arms and military property of this Commonwealth, and for other purposes."

"An act to authorize the Governor to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

"An act for the relief of Catharine Cadwallader, widow of John Cadwallader, deceased."

"An act supplementary to an act entitled "An act for the improvement of the state."

"An act for the relief of Rachel M'Coy, widow of Neal M'Coy, an old soldier."

"A supplement to the act entitled "An act to improve the navigation of the river Monongahela."

"An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier."

"An act authorizing a review of part of the state road from Carlisle, through Roxbury to the Burnt Cabins, and a part of the state road from Berryburg to Reading."

"An act suspending the opening of part of the state road, leading from the borough of Bedford, through the borough of Indiana to the town of Franklin, and for other purposes."

JOSEPH HIESTER.

March, 29, 1828.

Laid on the table.

The Clerk of the House of Representatives being introduced, returned the bills, entitled

"An act directing a survey of a route for a canal between Lake Erie and French creek.

"A further supplement to an act entitled "An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made."

"An act to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinneamahoning, in the county of Clearfield."

"An act relative to actions of ejectment."

"A supplement to the act, entitled "An act to incorporate the town of West Chester, in the county of Chester, into a borough."

"An act authorizing the laying out a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

"A supplement to the act entitled "An act authorizing the incorporation of the Pittsburg and Steubenville, and Washington and Pittsburg turnpike road companies "

And informed that the House of Representatives have passed the first three without, and the four last with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

On motion of Mr. Coleman and Mr. Henderson, Senate adjourned to meet at three o'clock this afternoon.

### ***SAME DAY—IN THE AFTERNOON.***

On motion of Mr. Mann and Mr. Markley, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 259, entitled "An act relative to actions of ejectment."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Dickerson and Mr. Power, the Senate considered and concurred with one amendment, to the amendments by the House of Representatives, to bill, No. 167, entitled "A supplement to the act, entitled "An act authorizing the incorporation of the Pittsburg and Steubenville, and Washington and Pittsburg turnpike road company."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Conyngham and Mr. Allshouse, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 154, entitled "An act authorizing the laying out a certain state road, from Wilkesbarre, in the county of Luzerne, to the borough of Northampton in the county of Lehigh."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion,

The Senate proceeded to the consideration of the amendments by the House of Representatives, to bill, No. 158, entitled "An act authorizing the Secretary of the Land Office, to grant patents for lands to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth, and for other purposes."

When, on motion of Mr. R. Smith, and Mr. Duncan, the same was postponed for the present.

On motion of Mr. Barnard and Mr. Power, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 180, entitled "A supplement to the act entitled "An act to incorporate the town of West Chester, in the county of Chester, into a borough."

On motion of Mr. Conyngham and Mr. Allshouse, the Senate considered and nonconcurred in the amendments by the House of Representatives, except the fourth section, to bill, No. 113, entitled "A supplement to the act entitled "An act for the improvement of the state."

When on motion, the farther consideration of the same was postponed for the present.

The Clerk of the House of Representatives being introduced, returned the bill, entitled "An act incorporating the Pennsylvania Agricultural Society,"

And informed, that the House of Representatives have passed said bill, with amendments, in which the concurrence of the Senate is requested.

And said amendments were read the first time.

On motion of Mr. W. R. Smith and Mr. Dickerson, the Senate insist on their nonconcurrence to the amendments, by the House of Representatives, to the bill, No. 49, entitled "An act to authorize John Johnston, administrator, of the Reverend James Johnston, to convey a piece of ground."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Hill and Mr. Conyngham, the Senate considered and adhered to their nonconcurrence to the amendments by the House of Representatives, to bill, No. 110, entitled "A supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth day of March, one thousand eight hundred and sixteen."

And on motion,

*Ordered*, That Messrs W. R. Smith, Barnard and Allshouse, be a committee to confer with a similar committee from the House of Representatives, if they should appoint such committee, on the subject of said bill.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Markley and Mr. Mann, the Senate insisted on their nonconcurrence, to the amendments by the House of Re-

## THE SENATE.

presentatives, to bill, No. 238, entitled "An act relative to entry of writs of testatum fi. fa."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Markley and Mr. Duncan, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 257, entitled "An act incorporating Pennsylvania Agricultural Society."

*Ordered*, That the clerk inform the House of Representatives accordingly.

On motion,

The Senate resolved itself into a committee of the whole, Feger in the chair, on bill, No. 301, from the House of Representatives, entitled "An act authorizing the Governor to obtain money on loan, and for other purposes."

And after some time the committee rose and reported the without amendment.

On motion of Mr. Coleman and Mr. R. Smith, said bill read a second time.

The section and title were severally considered and agreed to. And,

On motion,

The rule which prohibits bills being read twice in the same day being in this case dispensed with, said bill was read a third time and passed.

On motion,

The Senate resolved itself into a committee of the whole, Henderson in the chair, on bill, No. 308, entitled "An act making appropriations to defray certain expenses of government therein mentioned."

And after some time the committee rose and reported the without amendment.

On motion,

Said bill was read a second time,

The section and title were agreed to.

On motion,

The rule which prohibits bills being read twice in the same day being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that Senate have passed the same without amendment.

On motion of Mr. Markley and Mr. Mann, the Senate considered and concurred in the first and third, and to the sixth, with amendment, and nonconcurred in the second, fourth and fifth amendments by the House of Representatives, to bill, No. 311, entitled "An act relative to the entry of writs of testatum fi. fa."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Conyngham and Mr. Coleman, the rule going into a committee of the whole being in this case dispensed

with, the bill, No. 251, from the House of Representatives, entitled "An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorize Josiah Wright and others to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong died seized,"

Was read a second time.

Sections one to three were agreed to.

The title being under consideration.

A motion was made by Mr. Markley and Mr. Groves, to postpone the same for the purpose of introducing the following, to wit:

"SECTION 4. *Be it enacted, &c.* That Andrew Markley, Benjamin Markley and Abraham Markley, executors of the last will and testament of John Markley, late of New Hanover township, in the county of Montgomery, deceased, or the survivors or survivor of them, be, and they are hereby, authorized and empowered, to convey in fee simple, unto John Kurtz, of the county of Montgomery, all the right title and interest of the said John Markley, deceased, to a certain message and lot of ground, containing twelve acres, more or less, with the appurtenances, situate in the township of Lower Providence, in the county aforesaid, whereof the said John Markley, died seized, as of fee. *Provided*, That the said executors shall enter into a recognizance in the orphans' court of Montgomery county, with sufficient sureties, to the satisfaction of the said court, for the faithful appropriation of the purchase money, according to the intestate laws of this commonwealth,"

Which was agreed to. And,

On the question,

Will the Senate agree to the section?

The yeas and nays were required, by Mr. W. R. Smith and Mr. Markley, and are as follow, to wit:

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Herrington,  
Hill,

#### NAYS.

Messrs. Coleman,  
Duncan,  
Eyster,  
Feger,

#### YEAS.

Messrs. Mann,  
Markley,  
Orr,  
Power,  
Winter,  
Marks, speaker.—12.

#### NAYS.

Messrs. Henderson,  
Robertson,  
W. R. Smith,  
Wurts.—8.

So it was determined in the affirmative.

The title was agreed to, after adding to the end thereof "*and for other purposes.*"

(On motion of Mr. Conyngham and Mr. Markley, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the bill, with amendments, in which the concurrence of that house is requested.

The Clerk of the House of Representatives being introduced, presented an extract from the journal of that house, which was read as follows, to wit:

*"In the House of Representatives, March 29, 1823.*

*"On motion,*

*"Ordered*, That Messrs. Stevenson, Holgate and Hutter, be a committee to confer with a similar committee of the Senate, if the Senate should appoint such committee, upon the amendments to the bill from the Senate, entitled "An act to incorporate a company to erect a rail road from Harrisburg to Pittsburg."

*Laid on the table.*

*On motion,*

Messrs. Wurts, Orr and Cadwallader, were appointed a committee to confer with the foregoing, on the subject of said bill.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Wurtz and Mr. Markley, the Senate adjourned to meet at half past seven o'clock, this evening.

### IN THE EVENING.

On motion of Mr. Mann and Mr. Winter, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 142, entitled "An act for the relief of sundry soldiers of the revolutionary war."

On motion of Mr. Conyngham and Mr. St. Clair, the Senate considered and receded from the amendments nonconcurring in by the House of Representatives, to bill, No. 305, from the House of Representatives, entitled "An act establishing and altering certain election districts."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Power and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Groves in the chair, on bill, No. 209, from the House of Representatives, entitled "An act for the relief of Simon Krewson, Samuel Carey, and Hugh Means, soldiers of the revolutionary war."

And after some time the committee rose, reported progress, and asked leave to sit again.

Whereupon,

A motion was made by Mr. Wurtz and Mr. Mann, to discharge the committee of the whole from said bill, and that it be postponed indefinitely.

Mr. Cadwallader called for a division of the question;

And on the question,

Shall the committee be discharged?

It was determined in the affirmative. And,

On the question,

Shall the bill be postponed indefinitely?

The yeas and nays were required, by Mr. Conyngham and Mr. Power, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Coleman,  
Duncan,  
Feger,  
Henderson,  
Mann,

**YEAS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts,  
Marks, speaker.—11.

**NAYS.**

Messrs. Conyngham,  
Eyster,  
Groves,  
Herrington,

**NAYS.**

Messrs. Markley,  
Orr,  
Power,  
Winter.—8.

So it was determined in the affirmative.

A motion was made by Mr. Wurts and Mr. Mann, to reconsider the vote on the fourth amendment by the House of Representatives, to bill, No. 142, entitled "An act for the relief of sundry soldiers of the revolutionary war."

Whereupon,

The yeas and nays were required, by Mr. Coleman and Mr. Wurts, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Duncan,  
Groves,  
Henderson,  
Mann,  
Orr,

**YEAS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith  
Wurts.  
Marks, speaker.—11.

**NAYS.**

Messrs. Coleman,  
Conyngham,  
Eyster,  
Feger,

**NAYS.**

Messrs. Herrington,  
Markley,  
Power,  
Winter.—8.

So it was determined in the affirmative.

A motion was then made, by Mr. Coleman and Mr. Winter, to amend said amendment, by striking out the annuity.

Whereupon,

The yeas and nays were required, by Mr. Power and Mr. Conyngham, and are as follow, to wit:

**YEAS.**

Messrs. Coleman,  
Conyngham,  
Eyster,  
Feger,  
Herrington,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Winter,  
Marks, speaker.—10.

**NAYS.**

Messrs. Allshouse,  
Duncan,  
Groves,  
Henderson,  
Mann,

**NAYS.**

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—9.

So it was determined in the affirmative.

On the question,

Will the Senate agree to said amendment as amended?

It was determined in the negative.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Adjourned until nine o'clock, on Monday morning next.

**Monday, March 31, 1823.**

Mr. Duncan obtained leave to withdraw from the files of the present session, the petition and documents of Charles Carroll, of Carrollton.

Mr. Wurts from the joint committee of conference, appointed by the Senate and House of Representatives, on the subject of the amendments made by the House of Representatives, to the bill, entitled "An act to incorporate a company to erect a rail road from Harrisburg to Pittsburg," have agreed to recommend the adoption of the following resolution: ✓

*Resolved*, That the Senate recede from their nonconcurrence, to the amendments made by the House of Representatives, to the said bill, and that they concur in said amendments.

On motion of Mr. Conyngham and Mr. Mann, said report and resolution, were again read. And,

On the question,

Will the Senate adopt said report?



The yeas and nays were required, by Mr. Coleman and Mr. R. Smith, and are as follow, to wit :

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Conyngham,  
Dickerson,  
Eyster,  
Groves,  
Herrington,

**YEAS.**

Messrs. Hill,  
Mann,  
Markley,  
Orr,  
Power,  
W. R. Smith,  
St. Clair.—15.

**NAYS.**

Messrs. Coleman,  
Duncan,  
Feger,  
Henderson,

Messrs. Robertson,  
R. Smith,  
Wurts,  
Marks, speaker.—8.

So it was determined in the affirmative.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Mr. Henderson, from the committee to compare bills, and present them to the Governor, for his approbation, made report :

That in conjunction with a similar committee from the House of Representatives, they have compared, and on Saturday the twenty-ninth instant, presented to the Governor, for his approbation, the bills entitled as follow, to wit :

"An act authorizing the State Treasurer to pay to Joseph Barnett, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money.

"An act for the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased."

"An act supplementary to an act, entitled "A supplement to an act, entitled "An act erecting part of Cumberland county into a separate county, to be called Perry "

"An act authorizing the erection of slopes in the Loyalhanna, and Yellow Breeches creeks.

"An act to authorize the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator."

"An act authorizing compensation for damages done by state roads."

"An act to incorporate the Columbia, Chiques and Marrietta, road and bridge company."

"An act to authorize the laying out of a state road, from William Steen's tavern, on the turnpike road, leading from Bedford to Washington to Connelsville."

"An act to cede to, and vest in, the United States of America, cer ain premises in the county of Philadelphia, whereon an arsenal is erected."

"A further supplement to an act, entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

"A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common, in the county of Bucks."

"An act for the relief of Wilhelm Willink, Hendrick Vollenhoven and Rutger Jan Schimmelpennick."

"A supplement to an act, entitled "An act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes."

"An act to authorize an extension of the Susquehanna and Tioga turnpike road."

"An act to authorize the Governor, to incorporate the president managers and company of the Ararat turnpike road."

"An act relative to actions of ejectment."

"An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia."

Laid on the table.

Mr. Henderson, from the committee to compare bills and present them to the Governor for his approbation, made further report:

That in conjunction with a similar committee from the House of Representatives, they have compared, and on this day presented to the Governor for his approbation, the bills entitled as follow, to wit:

"An act erecting Connelville township, in Fayette county, into a separate election district, and for other purposes."

"An act to authorize Catharine Ilginfritz, executrix of the last will and testament of Martin Ilginfritz, to sell certain real estate."

"An act authorizing the laying out of a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

"A further supplement to an act, entitled "An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made."

"An act directing the survey of a route for a canal between Lake Erie and French Creek."

"An act to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinemahoning, in the county of Clearfield."

"An act authorizing the Governor to obtain money on loan, and for other purposes."

"A supplement to the act entitled "An act to incorporate the town of West-Chester, in the county of Chester, into a borough."

"An act making appropriations to defray certain expenses of government therein mentioned."

"An act incorporating the Pennsylvania Agricultural Society."

"An act relative to mortgages."

"A supplement to the act, entitled "An act authorizing the incorporation of the Pittsburg, and Steubenville, and Washington and Pittsburg turnpike road companies."

Laid on the table.

Mr. Eyster, from the committee of accounts, made report, which was read as follows, to wit:

That they have examined the accounts and vouchers of John De Pui, Clerk of the Senate, for contingent expenses incurred during the present session, and for balance of printers' bills, wood, labor and other contingencies, previous thereto, and find that they amount to three thousand two hundred and eighty-nine dollars and sixty-three and an half cents, and that there has been advanced to him two thousand one hundred and sixty dollars and fifty-five cents, leaving a balance in his favor of one thousand one hundred and twenty-nine dollars and eight and an half cents, as per account, as follows:

Paid James Peacock for postage,	-	-	\$485 54
Paid James Peacock, compensation as assistant clerk of the Senate,	-	-	24 82
Paid Henry C. Marthens, for printing the German Journal of the last session,	-	-	374 50
Paid Robert Dickey and others, for services and labor during the recess of the legislature,	-	-	803 79
Paid sundry persons, for stationary and merchandise, do.	-	-	1128 51½
Wood,	-	-	226 50
Paid Philip H. Nicklin and Mrs. Dickson, for books,	-	-	114 50
Paid sundry printers, for newspapers,	-	-	267 51
Paid John Bond for candles,	-	-	164 97
Paid Solomon Sprigman for book binding,	-	-	49 30
Paid M'Nutt & Musgrave, repairs, &c. to clock,	-	-	50 00
Paid for sundries,	-	-	39 65
			<hr/>
			\$3,289 63½

CONTRA Cr.

Received December 11, 1822, a warrant for	-	900 00
Received do. 17, do. chairman of the committee of accounts (see resolution)	-	310 11
Received December 18, 1822, a warrant for	-	900 00
Received March 27, 1823, from John Wallace, for posts.	-	50 44
		<hr/>
		\$2,160 55

Balance, - - - - - \$1,129 08½

The committee, therefore, offer the following resolution:

*Resolved,* That the Speaker draw his warrant on the State Treasurer, in favor of John De Pui, Clerk of the Senate, for the

sum of eleven hundred and twenty-nine dollars and eight and one half cents, being the balance due him on settlement this day, as per account rendered.

On motion of Mr. Eyster and Mr. Henderson, said report and resolution was again read, considered and adopted; and,

A warrant was accordingly so drawn.

Mr. Eyster, from the committee of accounts, made report:

That they have examined the account of Mowry & Cameron, printers of the journal of the Senate, in the English language, as submitted to them, and find that there is a balance due to them of nine hundred and thirty-four dollars and twenty-one cents.

Therefore,

*Resolved*, That the Speaker draw his warrant on the State Treasurer, in favor of Mowry & Cameron, for the sum of nine hundred and thirty four dollars and twenty-one cents.

*Session 1822-23. The following is a statement of the account.*

To printing 50 bills, arrival and departure of mails,	\$3 00
To printing list of yeas and nays, - - -	3 00
To printing proposals of printers, - - -	3 00
To printing letters to editors of newspapers, - -	3 75
To printing 150 copies Governor's message, - -	15 00
To printing 200 copies list of members residence, -	5 00
To printing 1000 labels, for library committee, -	5 00
To printing rules for government of the State Library,	2 00
To printing three quires of yeas and nays. - -	3 00
To printing one and an half sheets of documents, relative Union Canal, - - -	34 50
To printing one half sheet, relative to Chesapeake and Delaware Canal, - - -	11 50
To printing 40 handbills for the sale of locust posts, and same in paper, - - -	2 50
To printing four quires yeas and nays, - - -	4 00
For printing 33 sheets, English journal at \$23 per sheet, - - -	759 00
For probable number yet to print, five sheets, -	115 00
For printing one quire extra for the use of the members of the Senate at ninety-two cents per sheet, same rate as the rest, - - -	34 96
For printing table, statement of the deaf and dumb in brier type, - - -	15 00
For printing tabular statement of the adjutant general's report of strength of militia, military equipments, stores, &c. - - -	60 00
For printing list of titles of acts and resolutions, usual price heretofore allowed, - - -	20 00
For Sprigman's bill for folding, stitching, binding, delivering, &c. - - -	155 00

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\$1,214 21

CR.

By warrant, January 4, 1823, for - - - \$300 00

Balance, - - - - - \$934 21

On motion of Mr. Eyster and Mr. Cadwallader, said resolution was again read, considered and adopted; and,

A warrant was accordingly so drawn.

The bill, No. 225, from the House of Representatives, entitled "An act for the relief of the German congregation, in Moore township, Northampton county."

The bill, No. 248, from the House of Representatives, entitled "An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road, in the county of Westmoreland."

And the bill, No. 195, from the House of Representatives, entitled "A supplement to the act entitled "An act for the relief of certain owners of real estate in the district of Southwark, in the county of Philadelphia."

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the two former without, and the latter with amendments, in which the concurrence of that house is requested.

On motion of Mr. Dickerson and Mr. Orr, the Senate again considered and concurred in the two first, and nonconcurred in the last amendment by the House of Representatives, to bill, No. 74, entitled "An act authorizing a review of certain state roads."

*Ordered*, That the Clerk inform the House of Representatives, accordingly.

On motion of Mr. Conyngham and Mr. Feger, the Senate resumed the consideration of the fourth amendment by the House of Representatives, to bill, No. 113, entitled "A supplement to the act, entitled "An act for the improvement of the state."

Whereupon,

A motion was made by Mr. Conyngham and Mr. Feger, to amend said amendment by striking out all that follows the word "that" in the third line, to the word "deposited" in the thirteenth line, and insert the following, to wit: "*John Shall, Jacob Shelly and John Krater, as soon as they shall have received the sum of two thousand dollars from the commissioners mentioned in the 65th section, of the act to which this is a supplement, be, and they are hereby required to pay, or cause to be paid, the sum of four hundred dollars, out of said two thousand dollars, to Daniel Zeherer, George Bacher and Christian Klingeman, of Schuylkill county, or to their order, on their entering into a sufficient bond for the faithful and judicious expenditure of the said money, in improving the navigation of the little Schuylkill, from the mouth thereof, up to the entrance of Pine Creek, or so far as they may deem practicable, in Rush township, in said county, which bond shall be deposited.*"

Which was agreed to.

And the amendment, as amended, was then agreed to.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Herrington and Mr. Robertson, the Senate reconsidered the vote relative to the amendments by the House of Representatives, to bill, No. 238, entitled "An act relating to the entry of writs of testatum si. fa." And,

On motion,

*Ordered*, That Messrs. Markley, Duncan and Hill, be a committee of conference, to act in conjunction with the committee appointed by the House of Representatives, on the subject of said bill, and that the Clerk inform the House of Representatives accordingly.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments by the Senate, to the bill entitled "A supplement to the act entitled "An act for the relief certain owners of real estate, in the district of Southwark, in the county of Philadelphia."

And that the House of Representatives recede from the amendments nonconcurrent in by the Senate, to the bill entitled "An act for the relief of sundry soldiers of the revolutionary war."

And that the House of Representatives, recede from the amendments nonconcurrent in by the Senate, and concur in the amendments by the Senate to the amendments by the House of Representatives to the bill from the Senate, entitled "A supplement to the act, entitled "An act for the improvement of the state."

And that the House of Representatives, recede from the amendments nonconcurrent in by the Senate, to the bill entitled "An act authorizing a review of certain state roads."

He also returned the bills entitled as follow:

"An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road."

"An act providing for the recovery of fines assessed upon citizens of this state, for the nonperformance of militia duty during the late war with Great Britain, and for other purposes."

"An act for the relief of creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

And informed that the House of Representatives have passed the first without and the two last with amendments, in which the concurrence of the Senate is requested."

And said amendments were read the first time.

The Clerk of the House of Representatives being introduced, returned the "resolution relative to the state and county maps, of this Commonwealth." And the bill entitled,

"An act making copies of certain documents, records and papers, evidence in courts of justice"

And informed that the House of Representatives have passed the same without amendment.

On motion of Mr. Markley and Mr. Power, the Senate resolved itself into a committee of the whole, Mr. Herrington in the chair, on bill, No. 227, from the House of Representatives, enti-

tled "An act for the relief of sundry soldiers, and widows of soldiers of the revolutionary war."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Conyngham, and Mr. Allshouse, said bill was read a second time.

The sections and title were severally considered and agreed to. And,

On motion of Mr. Dickerson and Mr. Markley, the rule which prohibits bills being read twice in the same day being in this case dispensed with, said bill was read a third time and passed. And

*Ordered*, that the Clerk return the same to the House of Representatives with information that the Senate have passed the same, with amendments, in which the concurrence of that house is requested.

On motion of Mr. Barnard and Mr. St. Clair, the Senate considered and concurred in the amendments, by the House of Representatives, to bill, No 243, entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

*Ordered*, that the Clerk inform the House of Representatives accordingly.

On motion of Mr. Dickerson and Mr. Orr, the Senate considered and concurred in the first, and nonconcurred in the second amendment, by the House of Representatives, to bill, No. 255, entitled "An act providing for the recovery of fines, assessed upon citizens of this state, for the non-performance of militia duty, during the late war with Great Britain, and for other purposes."

*Ordered*, That the Clerk inform the House of Representatives, accordingly."

On motion,

The Senate resolved itself into a committee of the whole, Mr. Conyngham in the chair, on bill, No. 108, from the House of Representatives, entitled "An act relative to turnpike road and bridge companies."

And after some time, the committee rose, and reported the bill with amendments.

On motion of Mr. Dickerson and Mr. Orr, said bill was read a second time.

The section and title were agreed to. And,

On motion of Mr. Dickerson and Mr. Orr, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the bill to the House of Representatives, with information that the Senate have passed the same without amendment.

On motion of Mr. Henderson and Mr. Wurts, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 291, from the House of Representatives, entitled "A supplement to an act, entitled "An act to provide for the ed-

education of children at the public expense, within the city and incorporated boroughs of the county of Lancaster,"

Was read a second time.

The sections and title were severally considered and agreed to. And,

On motion of Mr. Mann and Mr. Coleman the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

On motion of Mr. Mann and Mr. Conyngham, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 306, from the House of Representatives, entitled "An act to exonerate the estate of the late James Hanna, Esq. deceased, from the payment of certain moneys,"

Was read a second time.

The sections and title, were severally considered and agreed to. And,

On motion of Mr. Hill and Mr. Mann, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time, and passed.

*Ordered*, That the Clerk return said bills to the House of Representatives, with information that the Senate have passed the same, without amendment.

On motion of Mr. R. Smith and Mr. Wurts, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 310, from the House of Representatives, entitled "An act for the relief of Samuel Gamble, supervisor of Fan-net township, in Franklin county, and John Johnson, of Fayette township, Allegheny county,"

Was read a second time.

The sections and title, were severally considered and agreed to. And,

On motion of Mr. Conyngham and Mr. R. Smith, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the bill to the House of Representatives, with information that the Senate have passed the same without amendment.

The Clerk of the House of Representatives being introduced, returned the bills, entitled

"An act appointing trustees to close the concerns of the Silver Lake Bank.

"An act for the relief of Tacy Coates.

"An act authorizing John M'Veens, and Edward Ritchey, to sell and convey certain lands in Centre county.

"An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle.

"An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.



"A further supplement to the act, entitled "An act to enable the Governor to incorporate a company for making an artificial road, from the Spring House tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

And informed that the House of Representatives, have passed the first five without, and the latter with an amendment, in which the concurrence of the Senate is requested.

And that the House of Representatives adhere to the amendment nonconcurrent in, by the Senate, to the bill entitled "An act providing for the recovery of fines assessed upon citizens of this state, for the nonperformance of militia duty, during the late war with Great Britain, and for other purposes."

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, to wit:

"An act for the relief of Wilhelm Willink, Hendrick Vollenhoven and Rutger Jan Schimmelpennick."

"An act authorizing the State Treasurer to pay to Joseph Barnett, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money.

"An act to authorize the Governor, to incorporate the president managers and company of the Ararat turnpike road."

"A supplement to an act, entitled "An act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes."

"An act to cede to, and vest in, the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected,"

"An act to authorize an extension of the Susquehanna and Tioga turnpike road."

"A supplement to the act entitled "An act to incorporate the trustees of the Newtown Common, in the county of Bucks."

"A further supplement to an act, entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

"An act to authorize the executors of the last will of Robert Lemmon, deceased, to sell real estate of the testator."

"An act authorizing the erection of slopes in the Loyalhanna, and Yellow Breeches creeks.

"An act for the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased."

"An act supplementary to an act, entitled "A supplement to an act, entitled "An act effecting part of Cumberland county into a separate county, to be called Perry"

"An act authorizing compensation for damages done by state roads."

"An act to authorize the laying out of a state road, from William Steen's tavern, on the turnpike road, leading from Bedford to Washington to Connelssville."

"An act to incorporate the Columbia, Chiques and Marrietta, road and bridge company."

"An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia."

"An act relative to mortgages."

"An act authorizing the laying out of a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

"A supplement to the act, entitled "An act to incorporate the town of West-Chester, in the county of Chester, into a borough."

"A supplement to the act, entitled "An act authorizing the incorporation of the Pittsburg, and Steubenville, and Washington and Pittsburg turnpike road companies."

"An act incorporating the Pennsylvania Agricultural Society."

"An act directing the survey of a route for a canal between Lake Erie and French Creek."

"An act to authorize Thomas William Harper, to convey two small parcels of land, situate on the Drift Wood Branch of the Sinemahoning, in the county of Clearfield."

"An act relative to actions of ejectment."

"A further supplement to an act, entitled "An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made."

"An act making appropriations to defray certain expenses of government therein mentioned."

"An act repealing the third section of an act "entitled "An act authorizing the election of additional constables in different townships within this commonwealth."

"An act to authorize Catharine Ilginfritz, executrix of the last will and testament of Martin Ilginfritz, to sell certain real estate."

JOSEPH HIESTER.

March, 31, 1823.

Laid on the table.

Adjourned until three o'clock, this afternoon.

*SAME DAY—IN THE AFTERNOON.*

Mr. Winter, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared and on this afternoon presented to the Governor for his approbation, the bills and resolutions, entitled as follow, to wit:

"An act to improve the navigation of the Susquehanna river."

"Resolution relative to the erection of shelves in the state library."

"An act establishing and altering certain election districts."

"Resolution relative to the state and county maps of this Commonwealth."

"An act making copies of certain documents, records and papers evidence in courts of justice."

"An act for the relief of the German congregation, in Moore township, Northampton county."

"An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road, in the county of Westmoreland."

✓ "An to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county."

Laid on the table.

On motion of Mr. Markley and Mr. Conyngham, the Senate considered and nonconcurred in the amendments by the House of Representatives, to bill, No. 217, entitled "A further supplement to the act, entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh and to the town of Bethlehem, in the county of Northampton."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

A motion was made by Mr. Conyngham and Mr. Groves, that Senate recede from their nonconcurrence in the amendments by the House of Representatives, to bill, No. 255, entitled "An act providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty, during the late war with Great Britain, and for other purposes."

Whereupon,

The yeas and nays were required, by Mr. Wurts and Mr. Duncan, and as follow, to wit:

*YEAS.*

Messrs. Barnard,  
Conyngham,  
Eichelberger,  
Groves,  
Herrington,  
Hill,

*YEAS.*

Messrs. Mann,  
Markley  
Orr,  
Power,  
St. Clair,  
Marks, speaker.—12.

*YAYS.*

Messrs. Allshouse,  
Coleman,  
Dickerson,  
Duncan,  
Feger,

*NAYS.*

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts—9.

So it was determined in the affirmative.

On the question,

Will the Senate concur in said amendments?

It was determined in the affirmative. And,

*Ordered*, That the Clerk inform the House of Representatives accordingly.

A motion was made, by Mr. Mann and Mr. Hill, that the Senate consider and concur in the first, and nonconcur in the second amendment, by the House of Representatives, to bill, No. 158, entitled "An act authorizing the Secretary of the Land Office, to grant patents for lands to, persons who shall execute a mortgage thereon, to secure the sums due the commonwealth."

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. Conyngham, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Conyngham,  
Dickerson,  
Feger,  
Groves,  
Hill,

*YEAS.*

Messrs. Mann,  
Orr,  
Power,  
R. Smith,  
St. Clair—11.

*NAYS.*

Messrs. Coleman,  
Duncan,  
Eichelberger,  
Eyster,  
Markley,

*NAYS.*

Messrs. Robertson,  
W. R. Smith,  
Winter,  
Wurts,  
Marks, speaker.—10.

So it was determined in the affirmative.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

Mr. W. R. Smith, from the committee of conference on the amendments of the House of Representatives, to the bill, No. 110, entitled "A supplement to an act entitled "An act directing the formation of a map of Pennsylvania, passed March nineteenth, one thousand eight hundred and sixteen," made report:

That the committee have been unable to agree.

Therefore,

*Resolved*, That the committee be discharged from the further consideration of the amendments.

On motion,  
Said resolution was again read, considered, and adopted.

On motion,

*Ordered*, That Mr. St. Clair be an additional member, on the committee to compare bills and present them to the Governor for his approbation.

On motion of Mr. Groves and Mr. Conyngham, the Senate resolved itself into a committee of the whole, Mr. Orr in the chair, on bill, No. 267, from the House of Representatives, entitled "A supplement to an act, entitled "An act to provide for the erection of a state penitentiary within the city and county of Philadelphia."

And after some time the committee rose, reported progress and asked leave to sit again.

Whereupon,

A motion was made, by Mr. Groves and Mr. Conyngham, that the committee of the whole be discharged from the further consideration of the same, and that it be read a second time.

Mr. Coleman called for a division of the question, to end with discharging the committee.

On the question,

Shall the committee be discharged?

It was determined in the affirmative.

A motion was then made by Mr. Coleman and Mr. W. R. Smith, that the bill be postponed indefinitely.

Whereupon,

The yeas and nays were required, by Mr. Conyngham and Mr. Coleman, and are as follow, to wit:

### *YEAS.*

Messrs. Coleman,  
Feger,  
Herrington,

### *NAYS.*

Messrs. Allhouse,  
Barnard,  
Cadwallader,  
Conyngham,  
Duncan,  
Eichelberger,  
Eyster,  
Groves,  
Hill,

### *YEAS.*

Messrs. Orr,  
R. Smith,  
W. R. Smith.—6.

### *NAYS.*

Messrs. Mann,  
Markley,  
Power,  
Robertson,  
St. Clair,  
Winter,  
Wurts.  
Marks, speaker—17.

So it was determined in the negative

On motion of Mr. Groves and Mr. Conyngham, the Senate then proceeded to the second reading and consideration of said bill.

Section one being under consideration,

A motion was made, by Mr. Groves and Mr. Conyngham, to postpone the same, for the purpose of introducing the following, to wit:

SECTION 1. *Be it enacted, &c.* That the following named persons, to wit: William Jones, Dr. Robert M. Patterson, John Connelly, Chandler Price and George M. Dallas, be, and they are hereby appointed commissioners, to superintend the erection of the state penitentiary near Philadelphia, who are hereby authorized, to do and perform all and every of the acts and duties, which might have been performed by the former commissioners, in virtue of the act to which this is a supplement, and also, to cause to be executed such plans for the said penitentiary, as they may agree to, without the approbation of the Governor; and they are hereby also authorized, to supply any vacancy, which may occur, in their own body: any thing in the act to which this is a supplement, to the contrary notwithstanding."

And on the question,

Will the Senate agree to the motion?

The yeas and nays were required, by Mr. Wurts and Mr. Duncan, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Hill,  
Mann,

**YEAS.**

Messrs. Markley,  
Power,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—12.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Feger,

**NAYS.**

Messrs. Herrington,  
Orr,  
Robertson,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

On the question,

{ Will the Senate agree to the section?

The yeas and nays were required, by Mr. Wurts and Mr. Robertson, and are as follow, to wit:

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eichelberger,  
Groves,  
Hill,

**YEAS.**

Messrs. Mann,  
Markley,  
Power,  
R. Smith,  
Winter,  
Marks, Speaker.—12.

**NAYS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Feger,

**NAYS.**

Messrs. Herrington,  
Orr,  
Robertson,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

A motion was then made, by Mr. Wurts and Mr. Robertson, to postpone the bill, and that it be recommended to the early attention of the next legislature.

Whereupon,

The yeas and nays were required, by Mr. Wurts and Mr. Robertson, and are as follow, to wit:

**YEAS.**

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

**YEAS.**

Messrs. Feger,  
Herrington,  
Orr,  
Robertson,  
W. R. Smith,  
Wurts.—12.

**NAYS.**

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Hill,  
Mann,

**NAYS.**

Messrs. Markley,  
Power,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker—12.

So it was determined in the negative.

Section one, now two, recurring;

A motion was made, by Mr. Groves and Mr. Conyngham, to postpone the same, for the purpose of introducing the following, to wit:

**SECTION 2.** *And be it further enacted, &c.* That the commissioners aforesaid, shall proceed in the erection of the outer wall of the said penitentiary, on the plan it is commenced; the front building shall be so constructed as to contain sufficient room to accommodate the keepers, inspectors, &c. but shall not exceed one hundred feet in front. The cells shall be erected, either on the periphery of a circle or upon straight lines; and the said commissioners shall arrange and finish the said penitentiary, in such manner as may be most convenient and agreeable to the general outlines here prescribed, and confining themselves as far as practicable, to convenience, strength and economy; shall expend as little in ornament as is possible, so as to make a neat, but plain finish, to the said penitentiary.

Which was agreed to.

And the section was then agreed to.

Section one, now three, again recurring,

A motion was made, by Mr. R. Smith and Mr. Conyngham, to amend the same, in the fourth line, by striking out "*forty*," and inserting "*twenty*."

Mr. Wurts called for a division of the question, to end with striking out.

On the question,

Will the Senate so strike out?

It was determined it the affirmative.

Mr. Conyngham, named twenty-five thousand, Mr. Groves, thirty thousand, Mr. Wurts, thirty-five thousand.

And on the question,

It was agreed to fill the blank with twenty-five thousand dollars.

The section, as amended, was then agreed to.

The title being under consideration,

A motion was made, by Mr. Groves and Mr. Conyngham, to postpone the same, for the purpose of introducing the following section, viz :

SECTION 4. *And be it further enacted, &c.* That so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

Which was agreed to.

And the section was then agreed to.

The title recurring was agreed to.

On the question,

Shall the bill be prepared for a third reading?

The yeas and nays were required, by Mr. Wurts and Mr. Duncan, and are as follow, to wit :

#### YEAS.

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Groves,  
Hill,  
Mann,

Messrs. Markley,  
Power,  
R. Smith,  
St. Clair,  
Winter,  
Marks, speaker.—12.

#### NAYS.

Messrs. Cadwallader,  
Coleman,  
Dickerson,  
Duncan,  
Eichelberger,  
Eyster,

Messrs. Feger,  
Herrington,  
Orr,  
Robertson,  
W. R. Smith,  
Wurts.—12.

So it was determined in the negative.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments to the bill entitled "An act for the relief of sun-



dry soldiers, and widows of soldiers of the revolutionary war;" except the last amendment, in which they have nonconcurrent.

And that the House of Representatives have concurred in the amendment by the Senate, to the bill entitled "An act relative to turnpike road and bridge companies;"

And that the House of Representatives recede from the amendment nonconcurrent in by the Senate, to the bill entitled

"An act authorizing the Secretary of the Land Office to grant patents for lands to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth, and for other purposes."

On motion of Mr. Dickerson and Mr. Orr, the Senate considered and receded from their amendments, nonconcurrent in by the House of Representatives, to bill, No. 227, from the House of Representatives, entitled "An act for the relief of sundry soldiers; and widows of soldiers of the revolutionary war."

On motion of Mr. Herrington and Mr. Robertson, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 270, from the House of Representatives, entitled

"An act granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren,"

Was read a second time.

Section one was considered and agreed to.

Section two being under consideration,

A motion was made, by Mr. Markley and Mr. Wurts, to amend the same, by adding to the end thereof, the following, viz: "*and the incidental expenses incurred by the said John Bioren, in conveying the sixth and seventh volumes of the laws, to the seat of government.*"

And on the question,

Will the Senate so amend?

The yeas and nays were required, by Mr. Mann and Mr. Power, and are as follow, to wit:

#### YEAS.

Messrs. Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Herrington,

#### YEAS.

Messrs. Markley,  
Power,  
Robertson,  
W. R. Smith,  
Wurts.—10.

#### NAYS.

Messrs. Allshouse,  
Eichelberger,  
Eyster,  
Feger,  
Groves,  
Hill,

#### NAYS.

Messrs. Mann,  
Orr,  
R. Smith,  
Winter,  
Marks, speaker.—11.

So it was determined in the negative.

On the question,

Will the Senate agree to the section?

The yeas and nays were required, by Mr. Mann and Mr. Markley, and are as follow, to wit:

*YEAS.**YEAS.*

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Conyngham,  
Duncan,  
Eyster,  
Feger,  
Groves,  
Herrington,

Messrs. Hill,  
Markley,  
Power,  
Robertson,  
R. Smith,  
W. R. Smith,  
Winter,  
Wurts.—17.

*NAYS.**NAYS.*

Messrs. Eichelberger,  
Mann,

Messrs. Orr,  
Marks, speaker.—4.

So it was determined in the affirmative.

The title was agreed to. And,

On motion of Mr. Herrington and Mr. Robertson, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, without amendment.

The committee appointed to meet a similar committee from the House of Representatives, in conference, relative to a disagreement between the two houses, on the bill entitled "An act relative to the entry of writs of testatum fieri facias," made report:

That the joint committee have agreed to recommend to their respective houses, the adoption of the following: that Senate recede from the nonconcurrence of the amendments by the House of Representatives, of the fifth and sixth sections, to said bill, and that the House of Representatives recede from their amendment of the third section in said bill; and further that the title of said bill be so amended as to read as follows: "*An act relative to the entry of writs of testatum fieri facias, service of writs of scire facias, and relative to payment of costs on appeals from before justices of the peace, and for other purposes.*"

On motion,

The resolution was again read, considered and adopted.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments by the Senate to the bills entitled as follow, to wit:

"An act for the relief John Ford."

"An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorize Jonah Wright and others to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong, died seized."

And that the House of Representatives have appointed Messrs. Sterigere, Holgate and Ritner, a committee to confer with a similar committee from the Senate, if Senate should appoint such committee, on the subject of the amendments to the bill entitled "A further supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

The Clerk also informed, that the House of Representatives have adopted the report of the committee of conference, upon the amendments to the bill entitled "An act relative to the entry of writs of testatum fieri facias."

A motion was made by Mr. Groves and Mr. Hill, that Senate resume the consideration of the amendments by the House of Representatives, to bill, No. 110, entitled "A supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth day of March, one thousand eight hundred and sixteen."

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. Mann, and are as follow, to-wit:

*YEAS.*

Messrs. Conyngham,  
Eichelberger,  
Eyster,  
Groves,  
Hill,  
Mann,

*YEAS.*

Messrs. Markley,  
Orr,  
Power,  
Winter,  
Marks, speaker.—11.

*NAYS.*

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Duncan,  
Feger,

*NAYS.*

Messrs. Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

A motion was then made, by Mr. Groves and Mr. Hill, that the Senate recede from their nonconcurrence in said amendments.

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. Conyngham, and are as follow, to wit:

*YEAS.*

Messrs. Conyngham,  
Groves, -  
Hill,  
Mann,

*NAYS.*

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,

*YEAS.*

Messrs. Markley,  
Orr,  
Power,  
Marks, speaker.—8.

*NAYS.*

Messrs. Feger,  
Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
Winter,  
Wurts.—14

So it was determined in the negative,

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts and resolutions of the General Assembly, and directed the Secretary of the Commonwealth to return the same to the Houses in which they respectively originated, to wit:

"An act making copies of certain documents, records and papers, evidence in courts of justice"

"An act to remove obstructions at the entrance of the harbor of Presque Isle."

"An act for the relief of the German congregation, in Moore township, Northampton county."

"An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road company, in the county of Westmoreland."

"An act establishing and altering certain election districts."

"An act authorizing the Governor to obtain money on loan, and for other purposes."

"An act to improve the navigation of the Susquehanna river."

"An act to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county."

"Resolution directing the Secretary of the Commonwealth and the Surveyor General, to permit Henry S. Tanner, of the city of Philadelphia, to have the use of the surveys of the different counties of this commonwealth, which were furnished to the late John Melish, also the use of the state map, to enable the said Henry S. Tanner to improve the map of Pennsylvania forming a part of the American Atlas, which he is now constructing and preparing for publication, &c."

"An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorize Jonah Wright and others to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong, died seized."

And that the House of Representatives have appointed Messrs. Sterigere, Holgate and Ritner, a committee to confer with a similar committee from the Senate, if Senate should appoint such committee, on the subject of the amendments to the bill entitled "A further supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

The Clerk also informed, that the House of Representatives have adopted the report of the committee of conference, upon the amendments to the bill entitled "An act relative to the entry of writs of testatum fieri facias."

A motion was made by Mr. Groves and Mr. Hill, that Senate resume the consideration of the amendments by the House of Representatives, to bill, No. 110, entitled "A supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth day of March, one thousand eight hundred and sixteen."

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. Mann, and are as follow, to-wit:

**YEAS.**

Messrs. Conyngham,  
Eichelberger,  
Eyster,  
Groves,  
Hill,  
Mann,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Winter,  
Marks, speaker.—11.

**NAYS.**

Messrs. Allshouse,  
Cadwallader,  
Coleman,  
Duncan,  
Feger,

**NAYS.**

Messrs. Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—10.

So it was determined in the affirmative.

A motion was then made, by Mr. Groves and Mr. Hill, that the Senate recede from their nonconcurrence in said amendments.

Whereupon,

The yeas and nays were required, by Mr. Hill and Mr. Conyngham, and are as follow, to wit:

## YEAS.

Messrs. Conyngham,  
Groves, -  
Hill,  
Mann,

## NAYS.

Messrs. Allshouse,  
Barnard,  
Cadwallader,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,

## YEAS.

Messrs. Markley,  
Orr,  
Power,  
Marks, speaker.—8.

## NAYS.

Messrs. Feger,  
Herrington,  
Robertson,  
R. Smith,  
W. R. Smith,  
Winter,  
Wurts.—14

So it was determined in the negative,

The Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts and resolutions of the General Assembly, and directed the Secretary of the Commonwealth to return the same to the Houses in which they respectively originated, to wit:

"An act making copies of certain documents, records and papers, evidence in courts of justice"

"An act to remove obstructions at the entrance of the harbor of Presque Isle."

"An act for the relief of the German congregation, in Moore township, Northampton county."

"An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road company, in the county of Westmoreland."

"An act establishing and altering certain election districts."

"An act authorizing the Governor to obtain money on loan, and for other purposes."

"An act to improve the navigation of the Susquehanna river."

"An act to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county."

"Resolution directing the Secretary of the Commonwealth and the Surveyor General, to permit Henry S. Tanner, of the city of Philadelphia, to have the use of the surveys of the different counties of this commonwealth, which were furnished to the late John Melish, also the use of the state map, to enable the said Henry S. Tanner to improve the map of Pennsylvania forming a part of the American Atlas, which he is now constructing and preparing for publication, &c."

"Resolution relative to, the erection of shelves in the state library."

JOSEPH HIESTER.

March 31, 1823.

Laid on the table.

On motion of Mr. Coleman and Mr. Conyngham, the Senate adjourned until eight o'clock, in the evening.

### IN THE EVENING.

On motion of Mr. Groves and Mr. Hill, the Senate resumed the consideration of the amendments by the House of Representatives, to bill, No. 217, entitled "A further supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road from the Springhouse tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

A motion was then made, by Mr. Wurts and Mr. R. Smith, that said amendments, together with the bill, be postponed indefinitely.

Whereupon,

The yeas and nays were required, by Mr. Markley and Mr. Conyngham, and are as follow, to wit:

#### YEAS.

Messrs. Cadwallader,  
Coleman,  
Duncan,  
Eichelberger,  
Eyster,

#### YEAS.

Messrs. Robertson,  
R. Smith,  
W R. Smith,  
Wurts.—9.

#### NAYS.

Messrs. Allshouse,  
Conyngham,  
Feger,  
Groves,  
Herrington,  
Hill,  
Mann,

#### NAYS.

Messrs. Markley,  
Orr,  
Power,  
St. Clair,  
Winter,  
Marks, speaker.—12.

So it was determined in the negative.

On motion,

*Ordered*, That Messrs. Coleman, Cadwallader and Eichelberger be a committee of conference, to act in conjunction with the committee from the House of Representatives, on the subject of said bill.

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Power and Mr. Groves, the Senate resolved itself into a committee of the whole, Mr. Markley in the chair on bill No. 236, from the House of Representatives, entitled "An act for the relief of Jacob Mechling."

And after some time, the committee rose, and reported the bill without amendment.

On motion of Mr. Conyngham and Mr. Power, said bill was read a second time.

The section being under consideration,

A motion was made, by Mr. Mann and Mr. R. Smith, to amend the same in the fifth line, by striking out "sixty;"

Which was agreed to.

The section and title were then agreed to. And,

On motion, the rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the same, with an amendment, in which the concurrence of that house is requested.

On motion of Mr. Eyster and Mr. Eichelberger, the rule for going into a committee of the whole, being in this case dispensed with, the bill, No. 295, from the House of Representatives, entitled "An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart," was read a second time."

The section, preamble and title were severally considered and agreed to.

On motion of Mr. R. Smith and Mr. Eyster, the rule which prohibits bills being read twice on the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return said bill to the House of Representatives, with information that the Senate have passed the same without amendment.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendments by Senate, to the bill entitled "An act for the relief of Jacob Mechling."

On motion of Mr. Barnard and Mr. Markley, the Senate considered and concurred in the amendments by the House of Representatives, to bill, No. 36, entitled "A further supplement to the act entitled "An act directing the descent of intestates' real estates, and distribution of their personal estates, and for other purposes therein mentioned."

*Ordered*, That the Clerk inform the House of Representatives accordingly.

On motion of Mr. Mann and Mr. R. Smith, the rule for going into a committee of the whole being in this case dispensed with, the bill, No. 302, from the House of Representatives, entitled "An act to annex part of Lycoming county to Clearfield county," was read a second time.



The sections and title, were severally considered and agreed to.

On motion,

The rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed.

*Ordered*, That the Clerk return the same to the House of Representatives, with information that the Senate have passed the bill without amendment.

On motion of Mr. Herrington and Mr. Eyster, the Senate resolved itself into a committee of the whole, Mr. Robertson in the chair, on bill, No. 273, from the House of Representatives, entitled "An act authorizing the Governor to incorporate the Shenango Canal Company."

And after some time the committee rose and reported the bill with an amendment.

On motion of Mr. Herrington and Mr. Duncan, said bill was read a second time.

The sections and title, were severally considered and agreed to. And,

On motion,

The rule which prohibits bills being read twice in the same day, being in this case dispensed with, said bill was read a third time and passed. And,

*Ordered*, That the Clerk return the same to the House of Representatives, with information that Senate have passed the bill with an amendment, in which the concurrence of that house is requested.

A motion was made, by Mr. Winter and Mr. Markley, that Senate proceed to the consideration of bill, No. 277, from the House of Representatives, entitled "An act for the relief of sundry soldiers of the revolutionary war."

Whereupon,

The yeas and nays were required, by Mr. Power, and Mr. Marklev, and are as follow, to wit:

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Conyngham,  
Eichelberger,  
Eyster,  
Groves,  
Hill,

*NAYS.*

Messrs. Cadwallader,  
Duncan,  
Feger,  
Herrington,

*YEAS.*

Messrs. Mann,  
Markley  
Orr,  
Power,  
St. Clair,  
Winter,  
Marks, speaker.—14

*NAYS.*

Messrs. Robertson,  
R. Smith,  
W. R. Smith,  
Wurts.—8.

There not being the requisite majority, it was determined in the negative.

Adjourned until nine o'clock, to-morrow morning.

**Tuesday, April 1, 1823.**

Mr. St. Clair, from the committee to compare bills and present them to the Governor for his approbation, made report:

That in conjunction with a similar committee from the House of Representatives, they have compared and on yesterday presented to the Governor, for his approbation, the bills and resolutions, entitled as follow, to wit:

"An act for the relief of the creditors of the Harrisburg, Carlisle, and Chambersburg turnpike road."

"An act authorizing John M'Veens, and Edward Ritchey, to sell and convey certain lands in Centre county."

"An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle."

"An act authorizing a review of certain state roads."

"An act for the relief of sundry soldiers of the revolutionary war."

"A supplement to the act, entitled an act for the relief of certain owners of real estate, in the district of Southwark, in the county of Philadelphia."

"An act to exonerate the estate of James Hanna, Esq. deceased, from the payment of certain moneys."

"An act for the relief of Samuel Gamble, supervisor of Fanet township, Franklin county, and John Johnson, of Fayette township, Allegheny county."

"A supplement to an act entitled "An act to provide for the education of children, at the public expense within the city and incorporated boroughs of the county of Lancaster."

"An act authorizing the Secretary of the Land Office to grant patents for lands, to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth, and for other purposes."

"An act for the relief of Tacy Coates."

"An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road."

"An act appointing trustees to close the concerns of the Silver Lake Bank."

"An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading."

"A supplement to the act entitled "An act for the improvement of the state."

"An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is noncompos mentis, to convey a certain lot of land, to authorize Josiah Wright, and others, to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong, died seized, and for other purposes."

"An act for the relief of John Ford."

"An act relative to turnpike road and bridge companies."

"An act providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty, during the late war with Great Britain, and for other purposes."

"An act for the relief of sundry soldiers and widows of the revolutionary war."

"An act granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Blo:en."

"An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart."

"An act for the relief of Jacob Mechlin."

Laid on the table.

Mr. Coleman, from the joint committee of conference, appointed on the subject of the difference between the two houses, on an amendment by the House of Representatives, to the Senate bill, No. 217, entitled

"A further supplement to the act, entitled 'An act to enable the Governor to incorporate a company for making an artificial road, from the Spring House tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton;'" made report:

That they have had the subject referred to them, under consideration; but not being able to come to any agreement, they therefore offer the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Coleman and Mr. Wurts, said report and resolution was again read, considered and adopted.

Mr. W. R. Smith read in his place, and presented to the chair, the following protest:

The undersigned members of the Senate, protest against the adoption by the Senate, of a preamble and resolution on the subject of the Governor's objections to the bill, entitled "A supplement to the act, entitled 'An act to incorporate the members of the religious society of Roman Catholics, belonging to the congregation of St. Mary's church, in the city of Philadelphia, passed the thirtieth of September, one thousand seven hundred and eighty eight.'" The constitution provides, that "every bill which shall have passed both houses, shall be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, *who shall enter the objections at large, upon their journal, and proceed to reconsider it.*" By the adoption of the resolution, the order prescribed by the constitution is changed, and the bill returned by the Governor, is directed to be entered at full length on the journals, immediately before the entry of the objections.

However desirous the undersigned may be, that the people should at all times have access to every source of information which would enable them to form a correct judgment of the conduct of their servants, in the execution of the important duty of making laws by which their civil and religious rights may be affected, they cannot acquiesce in the course prescribed by the adoption of the preamble and resolution, which in their opinion, is highly irregular, unconstitutional, unprecedented in the annals of legislation, and dangerous in its consequences.

The preamble contains no information, nor refers to any facts; nor is it accompanied with any reasoning or arguments against the Governor's objections to the bill: but, in the opinion of the undersigned, it casts an unmerited reflection on the conduct of the chief magistrate, in the performance of an important and delicate trust, and can be considered in no other light than a legislative censure on him, in the exercise of a most valuable prerogative.

They have ever been taught to regard the qualified negative, vested in the executive branch of the government, by the constitution, as a highly useful and necessary safeguard; a prerogative which must ever be exercised under a responsibility, which secures it from every temptation to the abuse of it, and which when exercised is entitled to the most serious and respectful consideration. It is represented by one of our most enlightened statesmen, to be a power which not only serves as a shield to the executive, but which furnishes an additional security against the enactment of improper laws. "It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body."—The experience of thirty-three years, under the present constitution, furnishes irrefragable evidence of its beneficial tendency; and in the numerous cases in which this power has been exercised by different executives, no departure from the course prescribed, by the constitution, can be traced on the journals of either branch of the Legislature. The undersigned are, therefore, at a loss to understand the reasons which have operated in favor of the adoption of the preamble and resolution. After a critical examination of the Governor's message, they cannot discover any thing in its language, wanting in that courtesy and respect which ought ever to characterize official communications between the co-ordinate branches of the government; and the best commentary that can be furnished on the force and validity of the objections, is the vote of the Senate on the reconsideration of the bill, it being negatived by a majority of votes.

In the opinion of the undersigned, there is nothing in the objections to the bill, which can justify the opinion expressed on the preamble, that the message of the Governor may create an erroneous impression, that the two branches of the Legislature have interfered with the religious rights of Roman Catholics, and violated their chartered privileges, and thereby mislead and deceive the public; in justice to the character of the chief magistrate of the

state, thus charged with an unworthy motive, in the exercise of a painful duty devolved on him by the constitution, the undersigned avail themselves of the occasion to record their testimony in favor of the manly and independent tone, in which he has expressed his objections to the provisions of the bill, which they believe are an infringement of the chartered rights of the members of St. Mary's church, and which, in the present state of the congregation, and under existing circumstances, may operate to deprive a large portion of the members of St. Mary's, of the right of worshipping according to the dictates of conscience, in the church consecrated by its pious founders, to the religion of the Catholic faith, and secured to the members in unity with the Catholic church, by the charter of one thousand seven hundred and eighty-eight. Under a sense of imperious duty, they owe to themselves and their constituents, they enter on the journals their solemn protest against the preamble and resolution adopted by the Senate, for the following reasons:

First. The resolution directs that the bill returned by the Governor, shall be entered at full length on the journal, immediately before the entry of the objections, when the constitution requires that the objections shall be entered at length on the journal, and the house shall proceed to reconsider the bill. It is a departure from the course prescribed by the constitution, and the uniform practice of the legislature, which, in the opinion of the undersigned is to be deprecated, and which may lead to dangerous innovations, affecting the exercise of a most valuable executive prerogative.

Second. The preamble contains an impeachment of the motives of the chief magistrate, by an allegation that the objections may create an erroneous impression, and mislead and deceive the public, as to the nature of the provisions of the bill; an allegation which the undersigned believe to be wholly unwarranted by the tenor of the objections, and an unjustifiable crimination by the Senate.

Third. The adoption of the preamble and resolution, by the Senate, previous to proceeding to reconsider the bill, the undersigned believe, was calculated to forestal the opinions of the members of the Senate, by an indirect vote, and to influence their final vote on the reconsideration; a resort to such a course of legislation, in times of great excitement, must necessarily kindle feelings in the minds of the members, unfriendly to a fair, impartial and deliberate reconsideration of a bill returned with objections.

Fourth. The exercise of the qualified negative by the executive, is necessarily a painful and delicate duty, requiring in many cases a more than ordinary share of firmness and independence. Any measure, which may have a tendency to restrain or control the exercise of this wholesome power, in the opinion of the undersigned, is hostile to the spirit of the constitution, and to the genius of the government; and however inoperative, the course pursued, in the adoption by the Senate, of the preamble and re-

resolution, may be on the future conduct of a chief magistrate firm of purpose, the undersigned can readily conceive it calculated to produce a baleful influence on the mind of a timid executive, unwilling to run the hazard of legislative censure in the performance of imperious duty, or who from considerations of a time serving policy, might not be disposed to encounter the frowns of a future legislature, which peradventure, might conceive itself to be the depository of an absolute uncontrolled and despotic power.

STEPHEN DUNCAN,  
JOHN WURTS,  
JAMES ROBERTSON,  
EDWARD COLEMAN,  
WILLIAM R. SMITH,  
MATTHEW HENDERSON.

Ordered to lie on the table.

A motion was made by Mr. Hill and Mr. Eichelberger, and read as follows, to wit:

WHEREAS, the fundamental republican maxim is "that all power is inherent in the people," and it is equally republican orthodoxy that the voice of the majority ought to be the supreme law of the land. And whereas, agreeably to the principles of representation, the immediate agents and representatives of the people, are the only legitimate constitutional organs through, and by whom the voice of the people is, and of right can, be uttered. And whereas, it is repugnant to every principle of free government, that the voice of the few should control the will of the many. And whereas, the assumption by the United States' court of the power of placing its veto upon the deliberate acts of the legislatures of the several states, is a dangerous usurpation of a negative legislative power, calculated to destroy the best interest of the country, and to annihilate every thing like state sovereignty. To avert such an alarming evil, the following amendment is proposed to the constitution of the United States of America, which, when ratified agreeably to the said constitution, shall be a part thereof. "Article No court of the United States, shall in any case have, or exercise the power or authority of declaring any law of any state of this Union, invalid or unconstitutional, nor take any cognizance of any state law, other than to obey and carry the same into effect."

*Resolved*, That the Governor be, and he is hereby authorized and required to transmit a copy of the foregoing preamble and resolution to the executive of each state of this Union, and request that the same be laid before the legislature thereof, with a request that the resolution may be adopted, ratified and made an article of the constitution of the United States of America.

Laid on the table.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have concurred in the amendment by the Senate, to the bill, entitled "An act authorizing the Governor to incorporate the Shenango Canal Company."

"A supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed the nineteenth March, one thousand eight hundred and sixteen"

"An act to authorize the making of certain indexes."

Laid on the table.

The Clerk of the House of Representatives being introduced, informed that the House of Representatives have adopted the report of the committee of conference upon the amendments to the bill from the Senate, entitled

"A further supplement to the act, entitled "An act to enable the Governor to incorporate a company for making an artificial road, from the Spring House tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem in the county of Northampton."

He also presented an extract from their journal, which was read as follows, to wit:

*"In the House of Representatives, April 1, 1823.*

"On motion,

*Ordered,* That Messrs. Gilmore and Todd, be a committee in conjunction with a committee of the Senate, to wait upon the Governor and inform him that the General Assembly have agreed to adjourn this day, and to inquire whether he has any further communications to make.

Laid on the table.

The Secretary of the Commonwealth being introduced presented a message from the Governor, which was read as follows, to wit:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN: I have this day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective houses in which they originated, to wit:

"An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart."

"An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road."

"An act authorizing Maxwell Kenneddy, trustee of James Kenneddy, who is non compos mentis, to convey a certain lot of land, to authorize Josiah Wright and others, to convey a certain trust estate, and to authorize Francis Scott, to convey a tract of land, of which Francis Armstrong, died seized, and for other purposes."

"An act for the relief of Tacy Coates.

"A supplement to the act entitled "An act for the improvement of the state."

"An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

"An act for the relief of sundry soldiers of the revolutionary war."

"An act authorizing John M'Meens, and Edward Ritchey, to sell and convey certain lands in Centre county.

"An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.

"A supplement to the act, entitled an act for the relief of certain owners of real estate, in the district of Southwark, in the county of Philadelphia "

"An act for the relief of Samuel Gamble, supervisor of Fannet township, Franklin county, and John Johnson, of Fayette township, Allegheny county."

"A supplement to an act entitled "An act to provide for the education of children, at the public expense within the city and incorporated boroughs of the county of Lancaster."

"An act appointing trustees to close the concerns of the Silver Lake Bank.

"An act to exonerate the estate of the late James Hanna, Esq. deceased, from the payment of certain moneys."

"An act for the relief of John Ford."

"An act providing for the recovery of fines assessed upon citizens of this state, for the nonperformance of militia duty during the late war with Great Britain, and for other purposes."

"An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle.

"An act authorizing the Secretary of the Land Office to grant patents for lands, to persons who shall execute a mortgage thereon, to secure the sums due the Commonwealth, and for other purposes."

"An act authorizing a review of certain state roads.

"An act granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren."

"An act relative to turnpike road and bridge companies."

"An act for the relief of Jacob Mechlin."

"An act for the relief of sundry soldiers and widows of soldiers of the revolutionary war."

"A further supplement to the act entitled "An act directing the descent of intestates' real estates and distribution of their personal estates, and for other purposes therein mentioned."

"An act relative to the entry of writs of testatum fieri facias, service of writs of scire facias, and relative to payment of costs on appeals from before justices of the peace, and for other purposes."

"An act to annex part of Lycoming county, to Clearfield county."

"An act to authorize the making of certain indexes."

"A further supplement to an act, entitled "An act directing the formation of a map of Pennsylvania, passed nineteenth March, one thousand eight hundred and sixteen."



"An act authorizing the Governor to incorporate the Shenango Canal Company."

JOSEPH HLESTER.

*April 1, 1823.*

Laid on the table.

Mr. St. Clair, from the committee to compare bills and present them to the Governor for his approbation, made report :

That they have deposited in the office of the Secretary of the Commonwealth, for enrolment, the several acts and resolutions of the General Assembly, passed during the present session, to wit :

1. An act authorizing the treasurer of Indiana and Jefferson counties, to sell unseated lands for taxes.
2. An act for the relief of Casper Loeb, a soldier of the revolutionary war.
3. An act for the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war.
4. An act for the relief of Henry Stauffer, a revolutionary soldier.
5. An act authorizing the Secretary of the Land Office to grant a patent for a certain lot of land in the township of Huntington, in Luzerne county.
6. An act for the relief of Peter Allen, a revolutionary soldier.
7. An act for the relief of Henry Miller and David Bower, revolutionary soldiers.
8. An act for the relief of Joseph Fox, a revolutionary soldier.
9. An act granting compensation to Adam Koch, for a tract of donation land.
10. An act for the relief of the contractors for building the Conemaugh bridge, and the bridge over the West Branch of the Susquehanna river, at or near the mouth of Anderson's creek.
11. A supplement to the act, entitled an act to authorize the Governor of this commonwealth, to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M<sup>c</sup>Call's Ferry, in the county of Lancaster."
12. A supplement to the act, entitled an act providing for the inspection of spirituous liquors.
13. An act for the relief Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers,
14. Resolution relative to the copper plates of the state map of Pennsylvania, and the printed maps of the state now in the hands of the representatives of the late John Melish, deceased.
15. A supplement to an act, entitled an act declaring Wysox creek, from the mouth thereof to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway.
16. An act authorizing a sale of the real estate of Jacob Miller, deceased.
17. An act for the relief of Andrew M<sup>c</sup>Kee.
18. An act for the relief of Mary M<sup>c</sup>Curdy, widow of William M<sup>c</sup>Curdy, a captain of the revolutionary war.

19. A supplement to the several acts of the Legislature regulating fisheries in the river Delaware.

20. An act to repeal the act entitled an act, relative to the appropriations made to the Northumberland and Waterford turnpike road company.

21. An act to incorporate the Gettysburg Water Company.

22. A supplement to an act, entitled an act to incorporate a company for making a turnpike road from Butler to Franklin.

23. An act to empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land.

24. An act to enable the Governor to incorporate a company to make an artificial road, from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose.

25. A supplement to the act, entitled an act to regulate the inspection of flour, in certain western counties of the state, passed the thirtieth day of September, one thousand seven hundred and ninety-one.

26. An act authorizing a review of part of the state road from Carlise, through Newville and Roxbury to the Burnt Cabins.

27. An act authorizing the township of Roxbury, in the county of Philadelphia, to apply the money arising from the tax on dogs in said township, to the support of the poor.

28. An act authorizing Walter Oliver to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor.

29. An act to incorporate the Strasburg academy, in the borough of Strasburg, in the county of Lancaster.

30. An act authorizing a review of the road from the city of Pittsburg to Mercer.

31. A supplement to the act entitled an act to incorporate an academy or public school, in the town of Franklin, and for other purposes.

32. An act directing the payment of certain debts therein specified.

33. An act for the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers.

34. A supplement to an act entitled an act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning.

35. An act authorizing the incorporation of a company for the making of a turnpike road from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville.

36. An act for the relief of Reuben Winslow.

37. A further supplement to an act entitled an act to incorporate the city of Lancaster.

38. An act for the relief of Jacob Sigler, a revolutionary soldier.

39. An act to incorporate the Musical Fund Society of Philadelphia.

40. An act to authorize the review of a part of a state road from the borough of Orwigsburg to Milford, in the county of Pike.

41. An act granting compensation to James Barrett, for a tract of donation land.

42. An act to authorize the removal of the persons now confined in the Prune-street apartment of the prison of the city and county of Philadelphia, to the county prison in Arch-street, and for other purposes.

43. An act fixing the compensation of the inspector of staves and heading.

44. An act appropriating certain taxes arising on unseated lands for the improvement of certain state roads.

45. An act to authorize the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of other township officers.

46. An act to annul the marriage contract of Francis D. Cummins and Esther his wife.

47. An act authorizing a review of the state road from the county line between Armstrong and Jefferson counties, where the state road from Milesburg to Erie crosses the same, from thence, through the borough of Mercer to the state line, in a direction to Warren, and a review of the state road from the borough of Indiana, to the mouth of Anderson's creek.

48. An act to authorize the printing of the pamphlet laws of this commonwealth.

49. A further supplement to an act, entitled an act for the improvement of the state, passed the twenty-sixth day of March, one thousand eight hundred and twenty-one.

50. An act authorizing the election of a constable in the borough of Bethany, in the county of Wayne.

51. A supplement to the act entitled an act to establish a fourteenth judicial district, and for other purposes.

52. An act authorizing the commissioners of the state penitentiary erecting near Pittsburg, to alter a part of the plan of the same.

53. An act vesting the corporation of the city of Philadelphia, and the corporation of the adjoining townships and districts, in the county of Philadelphia, with additional powers.

54. A supplement to an act, entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

55. An act authorizing the court of common pleas of the county of Franklin, to do certain things therein mentioned.

56. A further supplement to an act, entitled an act for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia.

57. A further supplement to the act, entitled an act to raise and collect county rates and levies.

58. An act confirming the election of managers for the Waynesburg, Greencastle and Mercersburg turnpike road company, and for other purposes.

59. An act authorizing the election of an additional constable

in the township of Donegal, in the county of Washington, and in the township of Providence, in the county of Bedford.

60. An act appointing commissioners to lay out a state road from the bridge over the Susquehanna river, at Wilkesbarre, to Washington, in the county of Columbia.

61. An act appointing commissioners to lay out a state road from Cattawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes.

62. An act authorizing a review of part of the state road between the borough of Builer and Mercer.

63. An act to enable the guardians and trustees of Samuel Thompson, to dispose of his real estate.

64. Resolution relative to the fines assessed for the non-performance of militia duty during the late war with Great Britain.

65. An act to repeal a part of the fifth section of an act, entitled a further supplement to an act entitled an act to amend and consolidate with its supplements the act entitled an act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes,

66. An act to improve the navigation of the river Lackawaxen.

67. A further supplement to an act, entitled an act authorizing the Governor to incorporate a company for making an artificial road from the borough of York to the borough of Gettysburg, in Adams county.

68. An act for the relief Peter Storm.

69. An act to lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre turnpike, in the county of Northampton.

70. A supplement to the act entitled an act altering the time of holding the courts in the seventh judicial district, passed the second day of April, one thousand eight hundred and twenty-two, and for other purposes.

71. An act for the relief of the widow and legal representatives of William M'Kouwn, deceased.

72. An act for the relief of Conrad Hahnen.

73. An act for the relief of Lydia Lorain and her children.

74. Resolution relative to the sixth and seventh volumes of the revised laws of Pennsylvania.

75. An act to authorize the Governor to incorporate the Juniata bridge company, in the county of Huntingdon.

76. A further supplement to an act, entitled an act to incorporate the district of Spring Garden.

77. An act authorizing supervisors to remove obstructions in the navigable streams in the county of Tioga.

78. An act declaring the streets, lanes and alleys in the town of Danville, in Columbia county, public highways.

79. Resolution authorizing the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress.

80. A supplement to the act, entitled an act authorizing the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes.

81. An act to erect the town of West Middletown, in the county of Washington, into a borough.

82. An act to enable the Governor to incorporate a company for making a canal and lock navigation, on the waters of the Susquehanna river, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire.

83. A supplement to an act, entitled an act appointing commissioners to open and construct a road in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township, passed the second day of April, one thousand eight hundred and twenty-one.

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92. An act to authorize the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate.

93. An act to erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes.

94. An act to extend the charter of the Philadelphia Bank.

95. An act to authorize and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate.

96. An act authorizing a review of part of a state road from Carlisle, through Roxbury to the Burnt Cabins, and a part of the state road from Berrysburg to Reading.

97. An act suspending the opening of a part of the state road leading from the borough of Bedford through the borough of Indiana, to the town of Franklin, and for other purposes.

98. An act for the relief of Rebecca M'Fadden, widow of William M'Fadden, a revolutionary soldier.

99. An act for the relief of Catharine Cadwallader, widow John Cadwallader, deceased.

100. An act for the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war.

101. An act to remove the obstructions at the entrance of the harbor of Presque Isle.

102. An act for the relief of Rachel M'Coy, widow of Neal M'Coy, an old soldier.

103. An act to authorize the Governor to incorporate a company to erect a bridge over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango, and to revive an act to authorize the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne."

104. An act supplementary to an act entitled an act for the improvement of the state.

105. An act supplementary to an act, entitled an act to improve the navigation of the river Monongahela.

106. An act to authorize the cleaning and repairing the public arms and military property of this Commonwealth, and for other purposes.

107. An act to authorize John Harrison and George Selzer, to sell and convey certain real estate therein mentioned.

108. A further supplement to the act, entitled an act to authorize the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road.

109. An act reducing the number of managers of the turnpike companies between Pittsburg and Meadville, and for other purposes.

110. A supplement to the act, entitled An act establishing an academy in the borough of Lebanon, in the county of Lebanon.

111. A further supplement to an act, entitled An act to declare and regulate escheats.

112. An act for the relief of Ann Maria Hubley and Rebecca Bower, widows of revolutionary officers.

113. An act to settle and adjust the accounts of Jacob Bishop, late jailer of Cumberland county.

114. An act authorizing the Governor to incorporate the Columbia Water company.

115. A further supplement to the act, entitled an act to incorporate the city of Lancaster.

116. An act to repeal an act, entitled An act to incorporate the Old Columbia Water Company."

117. An act allowing compensation to Charles Widney, James Addams, and John Marhan, for their services, as commissioners for completing certain public roads.

118. An act authorizing the State Treasurer to pay to Joseph Barnett, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money.

119. An act for the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased."

120. An act supplementary to an act, entitled A supplement to an act, entitled An act erecting part of Cumberland county into a separate county, to be called Perry.

121. An act authorizing the erection of slopes in the Loyalhanna, and Yellow Breeches creeks.

122. An act to authorize the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator.

123. An act authorizing compensation for damages done by state roads.

124. An act to incorporate the Columbia, Chiques and Marietta road and bridge company.

125. An act to authorize the laying out of a state road, from William Steep's tavern, on the turnpike road, leading from Bedford to Washington to Connelville."

126. An act to cede to, and vest in, the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected.

127. A further supplement to an act, entitled an act to provide for the erection of an additional court within the city and county of Lancaster.

128. A supplement to the act entitled an act to incorporate the trustees of the Newtown Common, in the county of Bucks.

129. An act for the relief of Wilhelm Willink, Hendrick Volkenhoven and Rutgar Jan Shimmelpennick.

130. A supplement to an act, entitled an act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cobbscreek creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes.

131. An act to authorize an extension of the Susquehanna and Tioga turnpike road.

132. An act to authorize the Governor to incorporate the president, managers and company of the Ararat turnpike road."

133. An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia.

134. An act erecting Connelville township, in Fayette county, into a separate election district, and for other purposes."

135. An act to authorize Catharine Ilginfritz, executrix of the last will and testament of Martin Ilginfritz, to sell certain real estate.

136. An act relative to actions of ejectment.

137. An act authorizing the laying out of a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

138. A further supplement to an act, entitled An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made.

139. An act directing the survey of a route for a canal between Lake Erie and French Creek.

140. An act to authorize Thomas William Harper, to convey.

two small parcels of land, situate on the Drift Wood Branch of the Sinemahoning, in the county of Clearfield.

141. An act authorizing the Governor to obtain money on loan, and for other purposes.

142. A supplement to the act, entitled An act to incorporate the town of West-Chester, in the county of Chester, into a borough.

143. An act making appropriations (to defray certain expenses of government therein mentioned.

144. An act incorporating the Pennsylvania Agricultural Society.

145. An act relative to mortgages.

146. A supplement to the act, entitled An act authorizing the incorporation of the Pittsburg, and Steubenville, and Washington and Pittsburg turnpike road companies.

147. An act to improve the navigation of the Susquehanna river.

148. Resolution relative to the erection of shelves in the state library.

149. An act establishing and altering certain election districts.

150. Resolution relative to the state and county maps of this commonwealth.

151. An act making copies of certain documents, records and papers, evidence in courts of justice.

152. An act for the relief of the German congregation, in Moore township, Northampton county.

153. An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road, in the county of Westmoreland.

154. An act to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county.

155. An for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road.

156. An act authorizing John M'Meens and Edward Ritchey, to sell and convey certain lands in Centre county.

157. An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle.

158. An act authorizing a review of certain state roads.

159. An act for the relief of sundry soldiers, of the revolutionary war.

160. A supplement to the act, entitled an act for the relief of certain owners of real estate in the district of Southwark, in the county of Philadelphia.

161. An act to exonerate the estate of the late James Hanna, Esq. deceased, from the payment of certain moneys.

162. An act for the relief of Samuel Gamble, supervisor of Fannet township, in Franklin county, and John Johnson, of Fayette township, Allegheny county.

163. A supplement to an act, entitled an act to provide for



education of children at the public expense within the city and incorporated boroughs of the county of Lancaster.

164. An act authorizing the Secretary of the Land Office, to grant patents for lands to persons who shall execute a mortgage thereon to secure the sums due the commonwealth, and for other purposes.

165. An act for the relief of Tacy Coats.

166. An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road.

167. An act appointing trustees to close the concerns of the Silver Lake Bank,

167. An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.

169. An act supplementary to an act entitled An act for the improvement of the state.

170. An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorize Josiah Wright, and others, to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong died seized, and for other purposes.

171. An for the relief of John Ford.

172. An act relative to turnpike road and bridge companies.

173. An act providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty, during the late war with Great Britain, and for other purposes.

174. An act for the relief of sundry soldiers and widows of soldiers, of the revolutionary war.

175. An act granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren.

176. An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart.

177. An act for the relief of Jacob Mechling.

178. An act authorizing the Governor to incorporate the Shenango Canal Company.

179. An act relative to the entry of writs of testatum fieri facias service of writs of scieri facias, and relative to payment of costs on appeals from before justices of the peace, and for other purposes.

180. A further supplement to the act entitled an act directing the descent of intestates' real estate and distribution of their personal estate, and for other purposes therein mentioned.

181. An act to annex part of Lycoming county to Clearfield county.

182. A supplement to an act entitled An act directing the formation of a map of Pennsylvania, passed nineteenth day of March, one thousand eight hundred and sixteen.

183. An act to authorize the making of certain indexes.

Laid on the table.

Mr. Wurts, from the committee to wait upon the Governor, reported :

That they had performed that service, and that the Governor informed them, that he had no farther communications to make to the General Assembly.

Mr. Ritner and Mr. Steregere, a committee from the House of Representatives, being introduced, informed the Senate, that that house is ready to adjourn.

On motion,

Messrs. Markley and Coleman, were appointed a committee to inform the House of Representatives that the Senate is now ready to adjourn.

And after some time, Mr. Markley reported, that the committee had performed that service.

Whereupon, a motion was made, by Mr. Eichelberger and Mr. Power, that the Senate adjourn.

And on the question,

Will the Senate adjourn?

The yeas and nays were required, by Mr. Allshouse and Mr. Power, and are as follow, to wit :

**YEAS.**

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Coleman,  
Conyngham,  
Dickerson,  
Eichelberger,  
Feger,  
Groves,  
Hill,

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
R. Smith,  
St. Clair,  
Winter,  
Wurts,  
Marks, speaker—18.

Nays none.

So it was determined in the affirmative.

And the Senate adjourned *sine die*.

JOHN DE PUL,

*Clerk of the Senate.*

# MEMBERS OF THE SENATE,

WHOSE TERMS OF SERVICE WILL EXPIRE  
IN THE FOLLOWING YEARS.

In 1823.

John Wurts,  
Philip S. Markley,  
Henry Winter,  
Frederick Eichelberger,  
Robert Smith,  
John M'Meens,  
Samuel Power,  
Henry Allshouse.

In 1824.

Isaac D. Barnard,  
Edward Coleman,  
Redmond Conyngham,  
Conrad Feger,  
James B. Hubley,  
William R. Smith,\*  
Rees Hill,  
Cyrus Cadwallader.

In 1825.

Stephen Duncan,  
Joseph Fry,  
Alexander Mahon,  
Jacob Eyater,  
David Mann,  
William Marks, Jr.  
Jacob Herrington,  
Jonah Brewster.

In 1826.

Joshua Dickerson,  
Daniel Groves,  
Matthew Henderson,  
James Kelton,  
Robert Orr, jr.  
James Robertson,  
J. Andrew Shulze,  
John St. Clair,  
Lewis Dewart.†

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\*Elected in the room of Michael Wallace, resigned.

†Elected in the room of Andrew Albright, deceased.

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And after some time, Mr. Markley reported, that the committee had performed that service.

Whereupon, a motion was made, by Mr. Eichelberger and Mr. Power, that the Senate adjourn.

And on the question,

Will the Senate adjourn?

The yeas and nays were required, by Mr. Allshouse and Mr. Power, and are as follow, to wit :

**YEAS.**

Messrs. Allshouse,  
Barnard,  
Coleman,  
Conyngham,  
Dickerson,  
Eichelberger,  
Feger,  
Groves,  
Hill,

**YEAS.**

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
R. Smith,  
St. Clair,  
Winter,  
Wurts,  
Marks, speaker—18.

Nays none.

So it was determined in the affirmative.

And the Senate adjourned *sine die*.

JOHN DE PUL,

*Clerk of the Senate.*

## EXPLANATION.

<b>Pet.</b>	<b>for</b>	.	.	.	.	.	Petition
<b>Committ.</b>		-	-	-	-	-	Committee
<b>Rept.</b>		-	-	-	-	-	Report
<b>Resoln.</b>		-	-	-	-	-	Resolution
<b>Adopd.</b>		-	-	-	-	-	Adopted
<b>C. W.</b>		-	-	-	-	-	Committee of the whole
<b>Secd. readg.</b>		-	-	-	-	-	Second reading
<b>Thd. readg.</b>		-	-	-	-	-	Third do.
<b>Amendts.</b>		-	-	-	-	-	Amendments
<b>Concd.</b>		-	-	-	-	-	Concurred
<b>Nonconcd.</b>		-	-	-	-	-	Nonconcured
<b>Consd.</b>		-	-	-	-	-	Considered
<b>Considn.</b>		-	-	-	-	-	Consideration
<b>Retd.</b>		-	-	-	-	-	Returned
<b>Compd.</b>		-	-	-	-	-	Compared
<b>Refd.</b>		-	-	-	-	-	Referred
<b>Negatd.</b>		-	-	-	-	-	Negatived
<b>H. R.</b>		-	-	-	-	-	House of Representatives
<b>Sen. or S.</b>		-	-	-	-	-	Senate
<b>Appoint.</b>		-	-	-	-	-	Appointed
<b>Appd.</b>		-	-	-	-	-	Approved
<b>Rem.</b>		-	-	-	-	-	Remonstrance.

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80. A supplement to the act, entitled an act authorizing the holding of special courts in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes.

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99. An act for the relief of Catharine Cadwallader, widow John Cadwallader, deceased.

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121. An act authorizing the erection of slopes in the Loyalhanna, and Yellow Breeches creeks.

122. An act to authorize the ex-cutors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator.

123. An act authorizing compensation for damages done by state roads.

124. An act to incorporate the Columbia, Chiques and Marietta road and bridge company.

125. An act to authorize the laying out of a state road, from William Steen's tavern, on the turnpike road, leading from Bedford to Washington to Connelssville."

126. An act to cede to, and vest in, the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected.

127. A further supplement to an act, entitled an act to provide for the erection of an additional court within the city and county of Lancaster.

128. A supplement to the act entitled an act to incorporate the trustees of the Newtown Common, in the county of Bucks.

129. An act for the relief of Wilhelm Willink, Hendrick Vollehoven and Rutgar Jan Shammelpennick.

130. A supplement to an act, entitled an act to incorporate that part of the township of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen, and for other purposes.

131. An act to authorize an extension of the Susquehanna and Tioga turnpike road.

132. An act to authorize the Governor to incorporate the president, managers and company of the Ararat turnpike road "

133. An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia.

134. An act erecting Connelssville township, in Fayette county, into a separate election district, and for other purposes."

135. An act to authorize Catharine Ilginfritz, executrix of the last will and testament of Martin Ilginfritz, to sell certain real estate.

136. An act relative to actions of ejectment.

137. An act authorizing the laying out of a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh."

138. A further supplement to an act, entitled An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made.

139. An act directing the survey of a route for a canal between Lake Erie and French Creek.

140. An act to authorize Thomas William Harper, to convey

two small parcels of land, situate on the Drift Wood Branch of the Sinemahoning, in the county of Clearfield.

141. An act authorizing the Governor to obtain money on loan, and for other purposes.

142. A supplement to the act, entitled An act to incorporate the town of West-Chester, in the county of Chester, into a borough.

143. An act making appropriations (to defray certain expenses of government therein mentioned.

144. An act incorporating the Pennsylvania Agricultural Society.

145. An act relative to mortgages.

146. A supplement to the act, entitled An act authorizing the incorporation of the Pittsburg, and Steubenville, and Washington and Pittsburg turnpike road companies.

147. An act to improve the navigation of the Susquehanna river.

148. Resolution relative to the erection of shelves in the state library.

149. An act establishing and altering certain election districts.

150. Resolution relative to the state and county maps of this commonwealth.

151. An act making copies of certain documents, records and papers, evidence in courts of justice.

152. An act for the relief of the German congregation, in Moore township, Northampton county.

153. An act authorizing the Governor to incorporate the president, managers and company of the Mount Pleasant Free Road, in the county of Westmoreland.

154. An act to incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county.

155. An for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road.

156. An act authorizing John M'Meens and Edward Ritchey, to sell and convey certain lands in Centre county.

157. An act to authorize the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle.

158. An act authorizing a review of certain state roads.

159. An act for the relief of sundry soldiers, of the revolutionary war.

160. A supplement to the act, entitled an act for the relief of certain owners of real estate in the district of Southwark, in the county of Philadelphia.

161. An act to exonerate the estate of the late James Hanna, Esq. deceased, from the payment of certain moneys.

162. An act for the relief of Samuel Gamble, supervisor of Fannet township, in Franklin county, and John Johnson, of Fayette township, Allegheny county.

163. A supplement to an act, entitled an act to provide for

education of children at the public expense within the city and incorporated boroughs of the county of Lancaster.

164. An act authorizing the Secretary of the Land Office, to grant patents for lands to persons who shall execute a mortgage thereon to secure the sums due the commonwealth, and for other purposes.

165. An act for the relief of Tacy Coats.

166. An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road.

167. An act appointing trustees to close the concerns of the Silver Lake Bank.

167. An act providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.

169. An act supplementary to an act entitled An act for the improvement of the state.

170. An act authorizing Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorize Josiah Wright, and others, to convey a certain trust estate, and to authorize Francis Scott to convey a tract of land, of which Francis Armstrong died seized, and for other purposes.

171. An for the relief of John Ford.

172. An act relative to turnpike road and bridge companies.

173. An act providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty, during the late war with Great Britain, and for other purposes.

174. An act for the relief of sundry soldiers and widows of soldiers, of the revolutionary war.

175. An act granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren.

176. An act authorizing the orphans' court of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart.

177. An act for the relief of Jacob Mechling.

178. An act authorizing the Governor to incorporate the Shenango Canal Company.

179. An act relative to the entry of writs of testatum fieri facias service of writs of scieri facias, and relative to payment of costs on appeals from before justices of the peace, and for other purposes.

180. A further supplement to the act entitled an act directing the descent of intestates' real estate and distribution of their personal estate, and for other purposes therein mentioned.

181. An act to annex part of Lycoming county to Clearfield county.

182. A supplement to an act entitled An act directing the formation of a map of Pennsylvania, passed nineteenth day of March, one thousand eight hundred and sixteen.

183. An act to authorize the making of certain indexes.

Laid on the table.

Mr. Wurts, from the committee to wait upon the Governor, reported :

That they had performed that service, and that the Governor informed them, that he had no farther communications to make to the General Assembly.

Mr. Ritner and Mr. Steregere, a committee from the House of Representatives, being introduced, informed the Senate, that that house is ready to adjourn.

On motion,

Messrs. Markley and Coleman, were appointed a committee to inform the House of Representatives that the Senate is now ready to adjourn.

And after some time, Mr. Markley reported, that the committee had performed that service.

Whereupon, a motion was made, by Mr. Eichelberger and Mr. Power, that the Senate adjourn.

And on the question,

Will the Senate adjourn?

The yeas and nays were required, by Mr. Allshouse and Mr. Power, and are as follow, to wit: .

*YEAS.*

Messrs. Allshouse,  
Barnard,  
Coleman,  
Conyngham,  
Dickerson,  
Eichelberger,  
Feger,  
Groves,  
Hill,

*YEAS.*

Messrs. Markley,  
Orr,  
Power,  
Robertson,  
R. Smith,  
St. Clair,  
Winter,  
Wurts,  
Marks, speaker—18.

Nays none.

So it was determined in the affirmative.

And the Senate adjourned *sine die*.

JOHN DE PUL,

*Clerk of the Senate.*

- Congregation, New Providence**, bill (No. 369 H. R.) 512.  
     Lutheran and Presbyterian, in Somerset county, bill  
     (No. 443 H. R.) 512.
- County rates and Levies**, bill 7. C. W. 62, sec. 64, 131, C. W.  
     again 131, secd. read. 134, sec. read. 139, thd. read.  
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- Congressional districts**, *see resolution*.
- Cochran Samuel**, letter from, 31.
- Cumberland county**, election dist. of Allen township, pet. 90.
- Cummins Esther**, divorce, pet. 173, bill 180, C. W. 239, sec. read.  
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- Delaware and Chesapeake canal**, *see canal*.
- Dearman Jos. O. S.** bill 304, C. W. 336, sec. 579, negativd; docu-  
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     446, compd. 463, appd. 466.
- Delaware**, fishing therein, *see fishing*.
- Debts, recovery of \$100**, bill (No. 240,) 463, C. W. 507.
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- Dewalt Michael**, bill 502.
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- Dickinson College**, pet. 41, bill reportd. 81, C. W. 172, 177, 197,  
     sec. read. 204, thd. 208.

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     Eliz. Smith, pet. 98, report, 557, adopd. 558.  
     Thomas Clark, pet. 238, bill, 479.  
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